

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2287 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SC/ST District- Samastipur

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1. DHARMENDRA RAI Son of Natho Rai @ Ram Nath Ray Resident of village- Mohanpur, P.s.- Patori, (Mohampur O.P) District- Samastipur
 2. Jitendra Kumar @ Jitendra Rai Son of Natho Rai @ Ram Nath Ray Resident of village- Mohanpur, P.s.- Patori (Mohampur O.P.) District- Samastipur
 3. Priya Bindu @ Budhan Rai Son of Natho Rai @ Ram Nath Ray Resident of village- Mohanpur, P.s.- Patori (Mohampur O.P.) District- Samastipur
 4. Ramnath Ray @ Natho Rai Son of Late Ganesh Rai Resident of village- Mohanpur, P.s.- Patori (Mohampur O.P.) District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Neetu Kumari wife of Ajay chaudhary Resident of Mohanpur,P.S-Patori,District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Patanjali Rishi, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Dr.Om Prakash Om, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

This is an appeal under section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 20.05.2022, passed by learned Special Judge, SC and ST, Samastipur, in connection with SC/ST P.S. Case No.25 of 2022,



registered u/s 341, 323, 379, 354B, 504/34 of the IPC and sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.

As per F.I.R., the appellants herein committed assault upon the informant and her husband because of their caste status.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. Appellants have no criminal antecedent. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. Relying upon the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in **2020 (10) SCC 710**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable and in that view of the matter, no offence under the SC/ST Act is made out against the appellants.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the appellants to abuse the informant by taking caste name.

Considering the facts and circumstances of the case, considering the judgment of the Apex court as cited above, let



the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Special Judge, SC and ST, Samastipur, in connection with SC/ST P.S. Case No.25 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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