

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2371 of 2022**

Arising Out of PS. Case No.-8 Year-2022 Thana- MAHILA PS District- Katihar

PRASHANT JHA @ PRASHANT KUMAR JHA S/o Surya Mohan Jha @
Pappu Jha R/o village- Ramnagar Banshi, P.S.- Muffasil, District- Katihar
... .. Appellant/s

Versus

1. The State of Bihar
2. Dulari Devi W/o Sandeep Mahaldar R/o village- Rampur Puri Tola, P.S.-
Muffasil, District- Katihar
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimal Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Spl.PP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 11-01-2023 Heard the parties.

In view of order dated 30.11.2022, learned Spp P.P for the state informed the Respondent No. 2/informant about her appearance in this case but nobody appears on her behalf

This is an appeal under Section 14(A)(2) 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 of anticipatory bail vide order dated 05.07.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with Katihar Mahila P.S. Case No. 08 of 2022 registered under Sections 354(B) of the Indian Penal Code and Section 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellant is alleged to have gagged



informant's mouth and tried to outrage her modesty. He also assaulted her by fists and slaps and abused her by taking her caste name.

It is submitted by learned counsel for the appellant and appellant is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to land dispute. It is further submitted that appellant's 26 kathas of land was situated in front of the house of the present informant and the father in law of the present informant tried to grab the said land of the appellant. Earlier, the wife of Sukhdev Malhar has instituted case against the father of appellant including appellant and others in Muffasil P.S. Case No. 146 of 2019 and after investigation, police has submitted final form rather the learned Magistrate took cognizance. Thereafter, Sukhdev Mahaldar lodged one another case being SC/ST P.S. Case no.14 of 2020 by his youngest daughter in law Dulari Devi who belongs to SC/ST category with exactly similar allegation such as present case but the police, after investigation submitted final form and the learned Special Judge accepted the final form. He further submits that from the aforesaid facts, it is clear that no such occurrence has ever taken place and the present informant is only being used as a weapon for grabbing the land of appellant, situated in front of her house because she belongs to SC/ST category and



when she saw that in the earlier case the Police submitted final form and court accepted the final form then she filed the present case. Appellant has two criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Katihar in connection with Mahila P.S Case No. 08 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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