

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2881 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- SC/ST District- Purnia

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1. Dilip Kumar Jaiswal S/O- Suresh Jaiswal Village- Chandan Kumar Gunda Chowk Ps- Sadar Dist- Purnia
 2. Pankaj Jaiswal @ Pankaj Kr. Jaiswal Son Of Late Janardan Jaiswal Village- Chandan Kumar Gunda Chowk Ps- Sadar Dist- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjhwa Uraon son of Late Jhirkha Uraon R/o- Basgama Abdulla Nagar Ps- Sadar Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 16.08.2023 but nobody appeared on behalf of the respondent no.2.

3. 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 15.05.2023 passed by learned Special Judge, SC/ST Act, Purnia in connection with SC/ST P.S. Case No. 26



of 2022, registered under Sections 323, 324 and 420 of the Indian Penal Code and Section 3 (i)(f)(g)(r)(s)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties. There is no specific allegation against the appellants to abuse the respondent no.2 by taking his caste name. Hence, no case under SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

6. In the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned



Special Judge, SC/ST Act, Purnia in connection with SC/ST P.S.
Case No. 26 of 2022, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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