

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3043 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- SC/ST District- Samastipur

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1. Chandan Sahani @ Chandan Kumar Son Of Vindeshwari Sahani Resident Of Village - Mirjapur, P.S.- Rosera, Dist.- Samastipur.
 2. Kundan Sahani @ Kundan Kumar Son Of Vindeshwari Sahani Resident Of Village - Mirjapur, P.S.- Rosera, Dist.- Samastipur.
 3. Rakesh Sahani @ Rakesh Kumar Son Of Vindeshwari Sahani Resident Of Village - Mirjapur, P.S.- Rosera, Dist.- Samastipur.
 4. Sunny Sahani @ Vikash Kumar @ Sunny Son Of Vindeshwari Sahani Resident Of Village - Mirjapur, P.S.- Rosera, Dist.- Samastipur.
 5. Mukesh Kumar @ Mukesh Sahani Son Of Vindeshwari Sahani Resident Of Village - Mirjapur, P.S.- Rosera, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Kumar Das Son of Late Ramchandra Das Resident of village - Mirjapur, Ward No.- 8, P.S.- Rosera, Dist.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Sinha
For the Respondent/s	:	Mr. Sadanand Paswan

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 11.04.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with SC/ST P.S. Case No. 49 of 2022, registered under Sections 147, 149, 341, 323, 379, 354B and 504 of the Indian Penal Code and Section 3(1)(r)(s)(w)(f), 3(2)(va) 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 which is clear from the F.I.R. itself. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name, Hence, no case under section SC/ST Act is made out against the appellants. Appellant no.1 & 3 to 5 has got no criminal antecedent and appellant no.2 has got one 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, 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 (POA) Act, Samastipur in connection with SC/ST P.S. Case No. 49 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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