

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3082 of 2023

Arising Out of PS. Case No.-55 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. PRITAM RAJ DWIVEDY Son of Arvind Kumar Dwivedy Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran
 2. Prabhat Ranjan Dwivedy Son of Sheokumar Dwivedy Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran
 3. Rakesh Ranjan Dwivedy Son of Late Vimal Kumar Dwivedy Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran
 4. Raj Kumar Dwivedy @ Raj kumar Son of Shashi Ranjan Dwivedy Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran
 5. Shashi Ranjan Dwivedy Son of Late Vinod Kumar Dwivedy Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Ranjan Son of Vijendra Paswan Resident of village - Hardiya, P.S. - Kundwa Chainpur, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Ranjan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Dharmendra Kumar Paswan, Adv. Mr. Vijay Kumar Chaudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-12-2023 Heard learned counsels for the parties.

2. 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 23.05.2023 passed by learned Special Judge (SC/ST Act), East



Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 55 of 2023 registered under Sections 147, 148, 149, 341, 323, 307, 354 (B), 379, 504, 506 of the Indian Penal Code and Section 3(i) (d) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, all the accused persons including the appellants came at the door of the informant's father and started abusing him by taking his caste name. On protest, all the accused persons assaulted him by means of *lathi-danda* due to which he sustained several injuries. Hearing the alarm, when the informant's mother came there to save him, she was also assaulted by them. Co-accused Shiv Kumar Dwivedi snatched the golden chain, earring and Mangalsutra from her possession.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. Both the parties are co-villagers. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Both sides have sustained injuries. Slating the informant in the name of caste is said to have been made inside the house of the informant and not



in public view, hence no offence under SC/ST Act is made out against the appellants. The injuries sustained by the victim are simple in nature. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, as the occurrence took place inside the house of the appellants, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 55 of 2023, 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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