

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3295 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SC/ST BETTIAH District- West
Champaran

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1. RAMSHARAN MAHTO SON OF LATE DOMA MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 2. MANORMA DEVI WIFE OF MUKESH MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 3. BIGANI DEVI WIFE OF RAM KUAMR MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 4. SHANTI DEVI WIFE OF SHRAWAN MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 5. BHIM MAHTO @ BHIM KUMAR MAHTO SON OF RAMSHARAN MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 6. ARJUN MAHTO @ ARJUN PRASAD KUSHWAHA SON OF RAMSHARAN MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 7. MUKESH MAHTO SON OF RAM KUMAR MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN
 8. MAINA DEVI WIFE OF MAHANATH MAHTO RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RINKU DEVI WIFE OF HIRALAL DAS RESIDENT OF VILLAGE- PARSA, WARD NO. 3 PS- MANUAPUL, DISTT- WEST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Sujeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2023 Heard learned counsel for the appellants, learned
counsel for the respondent no.2 as well as learned Spl.PP for the



State.

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 14.06.2023 passed by learned Additional District and Sessions Judge- 1st cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.10 of 2023 registered under Sections 354B, 379 and other allied Sections of the Indian Penal Code and Section 3(i) (r) (f) (s)/3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegedly, on the pretext of a dispute, the appellants and other co-accused persons assaulted the informant's side and also abused them by taking caste name.

4. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. Appellant nos.2,



3, 4, 7 and 8 have no criminal antecedent whereas appellant nos.1, 5 and 6 have one criminal antecedent, as also mentioned in para-3 of memo of appeal. There is an admitted land dispute between the parties. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.

5. Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- 1st cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Bettiah SC/ST P.S. Case No.10 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.



8. The appellants are directed not to disturb the informant
and her family members.

(Anjani Kumar Sharan, J)

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