

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.952 of 2021**

Arising Out of PS. Case No.-126 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

1. CHANDAN PANDIT Son of Shiojee Pandit Resident of Village - Fezalahpur, P.S.- Baikunthpur, Dist.- Gopalganj.
2. Sunar Pati Devi W/o Shiojee Pandit Resident of Village - Fezalahpur, P.S.- Baikunthpur, Dist.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Parmeshwar Ram Late Lalmuni Ram R/O Village Fazullahpur, P.S.- Baikunthpur, District-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harendra Prasad
For the Respondent/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-02-2023 The learned counsel for the appellants is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the appellants as well as the learned counsel for the informant.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 18.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST,



Gopalganj in A.B.P. No. 803 of 2020 arising out of Baikunthpur P.S. Case No. 126 of 2020, registered for the offences punishable under Sections 341, 323, 324, 447, 504/34 of the Indian Penal Code & Section 3(i)(r) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants has submitted that there is land dispute between the parties. There is case and counter case. Both the parties have suffered injuries. The appellants are the persons of clean antecedent and the injuries are simple in nature.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 18.09.2020 passed by the learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Gopalganj is set aside.

Accordingly, in the event of arrest or surrender within four weeks from today, the appellants above-named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, SC/ST, Gopalganj in



connection with Baikunthpur P.S. Case No. 126 of 2020.

Office shall ensure that all defects are removed by the
appellant within the stipulated time provided in para-1
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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