

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3299 of 2023

Arising Out of PS. Case No.-114 Year-2017 Thana- COMPLAINT CASE District- Supaul

VIVEKANAND DAS @ VIVEKANAND LAL DAS SON OF LATE
NAGENDRA LAL DAS RESIDENT OF SUPAUL NAGAR PARISHAD,
WARD NO 12, PO- SUPAUL, PS- SUPAUL, DISTT- SUPAUL, BIHAR

... .. Appellant/s

Versus

1. The State of Bihar
2. MUNNI DEVI @ RAMO DEVI WIFE OF SRI MOHAN PASI RESIDENT
OF SUPAUL NAGAR PARISHAD, WARD NO 18, PS- SUPAUL, DISTT-
SUPAUL, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hemant Kumar Karan, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-11-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 11.10.2023, she informed the complainant to appear in the present appeal through her counsel, but nobody appears on her behalf.

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 21.06.2023 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Supaul in connection



with Complaint Case No. 114 of 2017 registered under Sections 448, 323, 379, 504 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellant entered the house of the complainant and started abusing her by taking her caste name. On protest, they assaulted the complainant and her daughter. Appellant took away a box containing 15000/-, ornaments, cloths and documents regarding the land from her house.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. Appellant is aged about 83 years. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault and abuse levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. A title suit bearing Title Suit No. 06 of 2019 is pending between the parties. He relied upon the judgment of the Apex Court in case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellant



has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, the above named appellant, as there is admitted land dispute between the parties, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, Supaul in connection with Complaint Case No. 114 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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