

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3421 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- BANMANKHI District- Purnia

1. Binod Kumar Yadav @ Binod Yadav Son Of Late Ishwar Yadav Resident Of Village- Tetrahi, P.S.- Jankinagar, Dist- Purnea.
2. Ravi Kumar @ Ravi Das S/O Late Upendra Das R/O Village- Parsa, Ps. Shankarpur, Dist.Madhepura.
3. Pankaj Yadav @ Pankaj Kumar Yadav S/O Late Sitaram Yadav R/O Village- Kunwari Jiwachhpur, Post Harpatti, Ps. Banmankhi, Dist. Purnea.
4. Sunil Ram S/O Chano Ram R/O Village- Kunwari Jiwachhpur, Post Harpatti, Ps. Banmankhi, Dist. Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanichar Rishi Son of Late Jiyalal Rishi, Resident of Village- Jiwchpur, Channan Tola, Ward No. 1, Ps- Banmankhi, Dist- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Dr. Bidhu Ranjan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-11-2023 Heard Mr. N.K. Agrawal, learned senior counsel

for the appellants assisted by Dr. Bidhu Ranjan, Advocate and

learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State

has informed that in compliance of the order dated 23.08.2023,

he has informed the informant but none is present of his 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 17.05.2023 passed by learned Special Judge (SC/ST Act), Purnea in connection with Banmankhi P.S. Case No. 390 of 2022 registered under Sections 147, 148, 149, 447, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The prosecution case, in brief, is that the appellants along with 7 named and 10-15 unknown persons arrived at the house of the informant and started indiscriminate firing and abusing and when protest was made then they extended threat for killing and due to fear the informant did not come out. It is further alleged that all F.I.R. named accused persons went to the field of the informant and ploughed his field by tractor and the informant informed the police station then the police officials came and then the matter was pacified. On seeing the police party, the opposite party fled away.

5. It is submitted by learned senior counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute between the parties. The allegation of assault levelled against the appellants are not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellants Appellant No.1 has one criminal



antecedent as mentioned in para-3 of the memo of appeal and appellants no. 2 to 4 have no criminal antecedent.

6. Learned senior counsel for the appellants rely upon the judgment of Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**.

7. Learned Special Public Prosecutor for the State opposed the prayer for bail.

8. In the facts and circumstances of the case, 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 released 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 Special Judge (SC/ST Act), Purnea in connection with Banmankhi P.S. Case No.390 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

mdrashid/-

U		T	
---	--	---	--

