

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4281 of 2021**

Arising Out of PS. Case No.-32 Year-2019 Thana- SC/ST District- Purnia

1. ANANT LAL @ KUNNA VISHWAS @ ANANT LAL VISHWASH SON OF LATE JABUH LAL VISHWASH R/O - BASDAHA, P.S.- DAGARUA, DISTRICT- PURNEA
2. HARIOM VISHWAS SON OF LATE JABUH LAL VISHWASH R/O - BASDAHA, P.S.- DAGARUA, DISTRICT- PURNEA
3. ASHOK VISHWAS SON OF LATE JABUH LAL VISHWASH R/O - BASDAHA, P.S.- DAGARUA, DISTRICT- PURNEA

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Fazle Karim
For the Respondent/s : Mrs. Usha Kumari-1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 13-09-2023 Heard learned counsel for the appellants 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 09.08.2023, he has informed the informant but none is present on 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 09.04.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with SC/ST



P.S. Case No. 32 of 2019 registered under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(1) (r) (f) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The appellants are said to have looted the corn crop from the farm of the informant and on protest they abused the informant and his family members. They also humiliated them.

5. It is submitted by learned 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. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. It is further submitted that a land dispute is going on between the parties and the informant wants to take that land by making pressure on the appellants by lodging false and frivolous case against them. Learned counsel for the appellants also relied upon the judgment passed in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Appellants have one criminal antecedent as mentioned in para-3



of memo of appeal.

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

7. In the facts and circumstances of the case as also the fact that there is admitted land dispute between the parties, 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 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Purnea in connection with SC/ST P.S. Case No.32 of 2019, 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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