

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3276 of 2022**

Arising Out of PS. Case No.-114 Year-2022 Thana- JANTA BAZAR District- Saran

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1. Munna Kumar Prasad S/o Late Kapil Deo Prasad Resident of Village- Tajpur (Tola Taad), P.S.- Janta Bazar, District- Saran at Chapra.
 2. Asha Devi W/o Munna Kumar Prasad Resident of Village- Tajpur (Tola Taad), P.S.- Janta Bazar, District- Saran at Chapra.
 3. Annu Devi D/o Munna Kumar Prasad Resident of Village- Tajpur (Tola Taad), P.S.- Janta Bazar, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Achhelal Sah S/o Late Bhuteli Sah Resident of Village- Tajpur (Tola Taad), P.S.- Janta Bazar, District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

6 15-09-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 16.08.2022 passed by learned Additional Sessions Judge 3rd, Saran at Chapra in connection with Janta Bazar P.S. Case No. 114 of 2022 under Sections 147, 341, 323, 325, 447, 354, 379, 504, 506 of the Indian Penal Code and section 3(i)(r) (s)(w)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for



anticipatory bail of the appellants was rejected.

3. Prosecution case in brief is that on the alleged date and time of occurrence, all the FIR named accused persons including appellants who are neighbour of the informant armed with lathi, danda, iron rod etc., abused the informant by caste name and when wife of informant protested, she was also assaulted by the accused persons. It is further alleged that when daughter and son of informant came to save, they were also assaulted by the accused persons.

4. It is submitted on behalf of the appellants that both parties are on litigating term over possession of the land. Present case is counter blast of Janta Bazar PS Case No. 112 of 2022 which was lodged by appellant no. 1 against the informant and others, which is earlier in point of time. Allegation of hurling abuse is against persons who are claiming title over the land. If such persons belong to SC community, the offence under Section 3(i)(r) of the SC/ST Act is not made out. Appellants have got clean antecedent.

5. Counsel for respondent no. 2 however vehemently opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 16.08.2022 passed by



learned Additional Sessions Judge 3rd, Saran at Chapra, is set aside.

7. Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd, Saran at Chapra in connection with Janta Bazar P.S. Case No. 114 of 2022.

(Prabhat Kumar Singh, J)

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