

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3900 of 2019

Arising Out of PS. Case No.-62 Year-2017 Thana- GHANSHYAMPUR District- Darbhanga

1. NATHO JHA Son of Budhu Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
2. Kamal Kant Jha @ Kamal Jha Son of Sukhdeo Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
3. Tarakant Jha @ Tara Jha Son of Sukhdeo Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
4. Navin Jha Son of Tara Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
5. Surendra Jha Son of Shatrughan Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
6. Manshi Jha Son of Ashraya Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
7. Chotkain Jha Son of Ashraya Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
8. Bhagwan Jha @ Bhagwana Jha Son of Shahdeo Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
9. Mangnu Jha @ Rama Shankar Jha Son of Pasupati Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
10. Dhirendra Jha Son of Punikant Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga
11. Arun Jha @ Arun Kumar Jha Son of Chandra Mohan Jha Resident of Village - Mahuar, P.S.- Ghanshyampur, District - Darbhanga

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Devki Devi Shibu Sada Village-Mahuar,P.S-Ghanshyampur,District-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.A.K.Thakur, Adv. Mrs.Vaishnavi Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 08-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Though vakalatnama has been filed on behalf of respondent



no.2 but nobody appears on her behalf today.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 30.07.2019, passed by learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga, in connection with Ghanshyampur P.S. Case No.62 of 2017, registered u/s 147, 149, 341, 323, 354(B), 379, 504 of the IPC and sections 3(x) of the SC/ST Act.

As per F.I.R., all the accused persons including the appellants abused the informant by taking her caste name and misbehaved with the other ladies and looted her house.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is general and omnibus allegation against all the accused persons and there is an admitted land dispute between the parties. Relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is submitted that if there



is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Appellant nos.1, 2, 3 and 8 have one criminal antecedent, appellant no.5 and 9 have two criminal antecedent and appellant nos.4, 7, 10, 11 have no criminal antecedent.

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

Considering the facts and circumstances of the case and the judgment of Apex Court in *Hitesh Verma (supra)*, let the appellants named above, 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/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga, in connection with Ghanshyampur P.S. Case No.62 of 2017, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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