

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4356 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- AMAUR District- Purnia

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1. MUSIYA DEVI @ MUSIYON DEVI Wife of Late Kishan Lal Sharma @ Late Kishanlal R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea
 2. Medhua Yadav @ Meghua Yadav Son of Tunai Yadav R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea
 3. Anguri Devi @ Agari Devi Wife of Varun Sharma R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea
 4. Radha Devi Wife of Sri Arun Sharma R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea
 5. Sabo Devi @ Savo Devi Wife of Dilip Sharma R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea
 6. Kichkin Devi Wife of Bijay Sharma @ Vijay Sharma R/o vill - Khari Mahingaon, ward no. 8, P.s. - Amour, Distt. - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Bharti Devi Wife of Jitendra Boshak R/o vill - Khari Mahingaon, ward no. 08, P.O. - Hafania, P.S. - Amour, Distt. - Purnea, Bihar Pin 854315

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P. Mr.Bijendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 22-11-2023 The present appeal is listed under the heading “Orders on Office Notes” as the matter was adjourned for filing of counter-affidavit by the counsel for the respondent no.2 but the same has not been filed.
2. Now, with the consent of the parties, the matter is being heard on merit.



3. Heard learned counsel for the appellants and learned Spl.P.P. for the State.

4. 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 for anticipatory bail vide order dated 24.08.2023, passed by learned Additional District and Sessions Judge-I,-cum-Spl. Judge, SC/ST Act, Purnea, in connection with Amour P.S. Case No.117 of 2023, registered u/s 147, 341, 380, 504, 506, 323 of the IPC and sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

5. As per F.I.R., the appellants forcibly constructed house after breaking the house of the informant and looted her house. The appellants abused the informant and her family and used to threaten her.

6. 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 slating the informant by taking caste name is not said to have taken place in



public view. There is no specific overt act against the appellants to abuse the informant by taking caste name. No person was injured in the alleged occurrence. There is an admitted land dispute between the parties, which fact is not denied by the learned counsel for the respondent no.2. Appellant nos.2 to 5 have no criminal antecedent and appellant nos.1 and 6 have one criminal antecedent.

7. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

8. Considering the facts and circumstances of the case, since there is land dispute between the parties and keeping in view the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, 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 District and Sessions Judge-I,-cum-Spl. Judge, SC/ST Act, Purnea, in connection with Amour P.S. Case No.117 of 2023, 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)

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