

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3879 of 2022

Arising Out of PS. Case No.-73 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. DAYA SHANKAR PRASAD Son of Gulabchand Saw R/V- Tarar, P.S- Daudnagar, Dist- Aurangabad
 2. Rahul Kumar Gupta @ Rahul Kumar Son of Daya Shankar Prasad R/V- Tarar, P.S- Daudnagar, Dist- Aurangabad
 3. Rohit Kumar Gupta @ Rohit Kumar Son of Daya Shankar Prasad R/V- Tarar, P.S- Daudnagar, Dist- Aurangabad

... .. Appellants.

Versus

1. The State of Bihar
2. Punam Kumari Wife of Krishnadeo Ram R/V- Mohammadpur, P.S- Daudnagar, Dist- Aurangabad

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Ashok Kumar No.6
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-01-2023 Heard learned counsel for the parties.

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 15.09.2022 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Complaint Case No. 73 of 2019 registered under Sections 323, 504, 506 & 341/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act.

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 and dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellants. There is admitted land dispute between the parties, which is apparent from the complaint petition itself. Learned counsel for the appellants relying upon the judgment in the case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710** submitted that as there is admitted land dispute between the parties, the appellants deserve anticipatory bail. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

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

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 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), Aurangabad in connection with Complaint Case No.73 of 2019, 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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