

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4006 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- TEKARI District- Gaya

1. BIGAN BHAGAT @ BIGAN MALAKAR Son of Late Raman Bhagat R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya
2. SHEO SHANKAR MALAKAR Son of Bigan Bhagat @ Bigan Malakar R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya
3. SABITA DEVI Wife of Bigan Bhagat @ Bigan Malakar R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya
4. PUSHPA DEVI Daughter of Bigan Bhagat @ Bigan Malakar R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya
5. LALSA DEVI Daughter of Bigan Bhagat @ Bigan Malakar R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya
6. RANI KUMARI Daughter of Bigan Bhagat @ Bigan Malakar R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. NANDLAL DAS Son of Ramdev Ram R/v- Mau Bhat Bigha, P.S.- Tekari (Mau O.P.) District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP. for the State informs the Court that in compliance of order dated 02.03.2023, he informed the respondent no.2 to plead in the present appeal through his counsel but nobody appears on his behalf.

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 13.10.2022 passed by learned Exclusive Special Judge (SC/ST Act) Gaya in connection with Tekari P.S. Case No. 260 of 2022 registered under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, after some altercation, the appellants started abusing the informant by taking his caste name. They also assaulted him and his family members.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. Both the parties are co-villagers. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. The present case is counter blast of Tekari P.S. Case No. 259 of 2022 which was lodged one day before filing of this case by the appellant no.3 against the informant. Both the parties



have sustained injuries. 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, as there is case and counter case between the parties, 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 Exclusive Special Judge (SC/ST) Act, Gaya in connection with Tekari P.S. Case No. 260 of 2022, 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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