

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4115 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- KHAIRA District- Saran

-
1. MOSHAHEB RAI Son of Janak Rai Resident of Village - Chhota Takiya, P.S.- Khaira, Distt.- Saran at Chapra
 2. Kunal Rai Son of Baliram Rai Resident of Village - Chhota Takiya, P.S.- Khaira, Distt.- Saran at Chapra
 3. Sanjay Rai Son of Lalsa Rai Resident of Village - Chhota Takiya, P.S.- Khaira, Distt.- Saran at Chapra

... .. Appellants.

Versus

1. The State of Bihar
2. Beby Wife of Late Baleshwar Manjhi Resident of Village - Chhota Takiya, P.S.- Khaira, Distt.- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-01-2023 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State has informed this Court that he has informed the informant but none appeared on her 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 26.08.2022 passed by learned Additional



Sessions Judge-III, Saran at Chapra in connection with Khaira P.S. Case No. 164 of 2022 registered under Sections 147, 149, 323, 436, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s)/ 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the informant was sleeping in her hut, all the F.I.R. named accused persons including these petitioners are said to have reached there, assaulted and abused her in her caste name. They also put her hut on fire.

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. It is further submitted that co-accused Jonarbi Rai had filed a Title Suit against the family members of the informant regarding the land dispute being Title Suit No.116/22, which is pending before the learned Court below, earlier to the case in hand. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. 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 one 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 Addl. Sessions Judge-III, Saran at Chapra in connection with Khaira P.S. Case No.164 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)

Trivedi/-

U		T	
---	--	---	--

