

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4342 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. SUNIL KUMAR RAY Son of Babu Narayan Kamti @ Babu Narayan Rai @ Vasunarayan Rai R/V- Navtolia P.S- Singhia, Dist- Samastipur
 2. Krishan Kumar Ray @ Krishna Kumar Son of Babu Narayan Kamti @ Babu Narayan Rai @ Vasunarayan Rai R/V- Navtolia P.S- Singhia, Dist- Samastipur
 3. Suresh Ray Son of Maksudan Rai R/V- Navtolia P.S- Singhia, Dist- Samastipur
 4. Babu Narayan Kamti @ Babu Narayan Rai @ Vasunarayan Rai Son of Maksudan Rai R/V- Navtolia P.S- Singhia, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Munni Devi Wife of English Safi R/V- Sumbha Deorhi (Nawtolia) P.S- Singhia Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Bharat Bhushan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP for the State submits that he informed the complainant to appear before the Court through her counsel, but nobody appears 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 07.09.2022 passed by learned Special Judge SC/ST Act, Samastipur, in connection with C.R. No. 279 of 2021 registered under Sections 323, 504 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution story, in brief, is that at about 01:00 AM, when the complainant was sleeping along with her daughter, appellant no.1 is said to have entered the house of the complainant and started misbehaving with her daughter. On raising alarm, the complainant woke up, as a result of which, to save his skin, appellant no.1 ran away. On next day, at about 08:00 A.M., when complainant went to the appellant no.1's house for complaining, the appellants started abusing the complainant by taking her caste name and assaulted her.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They 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. A title suit bearing



Title Suit No. 207 of 2021 is pending between the parties. Learned counsel for the appellants relies upon the judgment of the Apex Court in the case of ***Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710***. 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 by submitting that cognizance has been taken by the learned Court below, therefore, the anticipatory bail is not applicable in view of the judgment of the Apex Court in the case of **Bachu Das Vs. State of Bihar and others since reported in (2014) 3 Supreme Court Cases 471**.

In the facts and circumstances of the case, as there is admitted land dispute 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 Special Judge (SC/ST Act), Samastipur in connection with C.R. No. 279 of 2021, 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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