

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.60 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- KHUSRUPUR District- Patna

1. ANJANI KUMAR S/O RADHE SINGH Resident of village- Talhar, P.S.- Khusrupur, District- Patna.
2. RAJESH KUMAR S/O LATE GURU SAHAY SINGH Resident of village- Talhar, P.S.- Khusrupur, District- Patna.
3. SANJAY KUMAR S/O DAROGI SINGH Resident of village- Talhar, P.S.- Khusrupur, District- Patna.
4. JALANDHAR SINGH @ JALANDHAR KUMAR @JALENDHAR KUMAR S/O RANBEER SINGH Resident of village- Talhar, P.S.- Khusrupur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sucheta Yadav, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.PP.
		Mr. Binod Kumar Gupta, Adv.
		Mr. Mahesh Prasad, Adv.
		Mr. Ashok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-07-2023 Heard the parties.

Learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant no.1 submitting that during pendency of this appeal appellant no.1 has already been apprehended.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn in respect of appellant no.1.

Now this appeal survives for appellant nos. 2, 3 & 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 of anticipatory bail vide order dated 27.04.2022 passed by learned I/C Special Judge (SC/ST Act), Patna in connection with Khusrupur P.S. Case No. 137 of 2022 registered under Sections 147, 148, 149, 341, 307, 323, 504, 506, 387, 447 of the Indian Penal Code, Section 27 of Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, on 27.04.2022, when the informant was supervising the construction of boundary wall in Khata No. 136, Kheshra No. 199 Area 38 decimals, all the accused persons named in FIR came on the plot and started abusing the informant. He further alleged that at about 07:30 P.M., all the accused persons attacked on Sanjit Kumar and started firing upon him.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. 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, this fact is also not denied by learned counsel for the respondent no.2. There is case and counter case between the parties. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. He further relies upon the judgment of the Apex Court in 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 as well as learned counsel for the informant opposed the prayer for bail and submitted that the process under Section 82 Cr.P.C. has been completed against the appellants.

Considering the facts and circumstances of the case as well as the fact that the process under Section 82 Cr.P.C. has been issued against the appellants during pendency of this appeal in this Court, 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 I/C Special Judge (SC/ST Act), Patna in connection with Khusrupur P.S. Case No. 137 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 partly allowed.

(Anjani Kumar Sharan, J)

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