

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.692 of 2024**

Arising Out of PS. Case No.-14 Year-2018 Thana- DIGHA District- Patna

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1. Anil Ray Son of Late Budhan Ray R/o Durga Mandir, Digha Ghat, P.S.- Digha, Dist.- Patna
  2. Shukhnandan Ray Son of Late Parma Ray R/o Durga Mandir, Digha Ghat, P.S.- Digha, Dist.- Patna
  3. Chandrabhushan Ray Son of Late Parma Ray R/o Durga Mandir, Digha Ghat, P.S.- Digha, Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Babuanand Das Son of Tufani Das R/o - Anandpuri, West Boring Canal Road, P.S.- S.K. Puri, District- Patna

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s | : | Mr. Ghanshyam Tiwary, Adv.  |
| For the State       | : | Mrs. Usha Kumari 1, Spl. PP |
| For the Resp No.2   | : | Mr. Lokesh Kumar, Adv.      |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      28-05-2024                      Heard Mr. Ghanshyam Tiwary, learned counsel for the appellants, Mr. Lokesh Kumar, learned counsel for respondent no.2 and the learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 10.01.2024 passed by the learned Exclusive Special Court SC/ST Act, Patna in connection with Special Case No. 15 of 2018 arising out of Digha P.S. Case No. 14 of 2018 registered for the offences punishable under Sections 447, 384, 504, 427,



379, 341, 506 and 149 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

3. Allegedly, while the informant was getting the pillar work, in the meantime, all the appellants along with other persons came there and started slating him by taking his caste name and also demanded an extortion money of Rs. 5 lacs for getting the remaining pillar work done and on protest they threatened him with dire consequences and took away the construction materials as also dismantled the boundary pillars.

4. Learned counsel for the appellants, referring to the FIR, contented that from the FIR, it would be evident that a civil dispute has given the colour of criminal case. Appellant no.1 was protested the construction because it is respondent no.2, who was trying to encroach *rasta* and on account of some altercation, the FIR has been instituted. Further submission has been made that there is no specific allegation against the appellants as to who had abused respondent no.2. Moreover, the occurrence has not occurred in a public place and, as such, no offence, much less, under Section 3(i)(r) of the SC/ST Act is made out. It is lastly contended that now good sense has prevailed in between the parties and taking note of the civil dispute, they have settled the matter out of the Court and do not want to pursue it anymore.



5. Learned Special Public Prosecutor for the State and the learned counsel for respondent no.2, though initially refuted the contention of the appellants and submitted that, in fact, the appellants are aggressor and they are the person who tried to encroach upon the land of respondent no.2, however, respondent no.2 accepted the fact that he has entered into a compromise.

6. Considering the nature of allegation and the dispute and also the factum that both parties wanted to settle the matter, the present appeal stands allowed. The impugned order dated 10.01.2024 is hereby set aside.

7. Let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in connection with Special Case No. 15 of 2018 arising out of Digha P.S. Case No. 14 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C

(Harish Kumar, J)

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