

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.802 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Ram Naresh Jaiswal Son of Late Sita Jaiswal R/o Village- Bhabua, Ward No. 12, P.S.- Bhabua, District- Kaimur at Bhabua
2. Vikash Jaiswal Son of Rajesh Jaiswal Resident of Village- Bhabua, Ward no. 12, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmina Devi Wife of Ram Chandra Prasad Resident of Village- Nimi Sonhan, P.S.- Sonhan, District- Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Pratap Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-07-2024 1. Heard learned counsel for the appellants and the learned Special P.P. Mr. Sadanand Paswan along with learned counsel appearing on behalf of the O.P. No.2.

2. This is an appeal under Section 14-A(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 anticipatory bail vide order dated 02.12.2023 in A.B.P. No. 1490/2023 passed by the learned Special Court, SC/ST (POA) Act, Kaimur at Bhabua in connection with Bhabua P.S. Case No.787/2023, registered under Sections 341, 323, 354(B), 504, 420 of the Indian Penal



Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant no.1 is a person with clean antecedent and is aged about 80 years and all of a sudden has been made a criminal by the informant when the instant F.I.R. came to be instituted with false and frivolous allegation on account of dispute relating to land. It is further submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence nor it is the case of the informant that any witness witnessed the occurrence of abuse being hurled by the appellants to the informant.

4. Learned Special Public Prosecutor Mr. Sadanand Paswan along with learned counsel appearing on behalf of the O.P. No.2 opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the occurrence was not witnessed by any independent witness.

5. Considering the submission of the learned counsel for the appellants, the appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of



Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

6. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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