

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.942 of 2023**

Arising Out of PS. Case No.-66 Year-2018 Thana- SC/ST District- Purnia

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1. Shail Devi Wife Of Trilokichandra Bhagat R/O Village- Basudeopur, P.S.- Badhara, District- Purnia
  2. Amit Kumar Son Of Trilokichandra Bhagat R/O Village- Basudeopur, P.S.- Badhara, District- Purnia
  3. Baua Bhagat @ Nishant Kumar Son Of Arvind @ Arvind Bhagat R/O Village- Basudeopur, P.S.- Badhara, District- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Guddi Devi Amit Paswan Resident of Village- Basudeopur, P.S.- Badhara, District- Purnia

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Ms.Rina Sinha       |
| For the Respondent/s | : | Ms.Usha Kumari 1    |
|                      |   | Mr. Manoj Kumar Jha |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      11-09-2024                      1.      Heard learned counsel for the appellants, learned Spl. P.P. for the State and learned counsel appearing on behalf of the respondent 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 20-12-2022 in A.B.P. No. 113 of 2022 passed by the learned Special Judge S.C./S.T. (POA) Act, Purnia in connection with SC/ST P.S. Case No. 66 of 2018 registered for the offences



punishable under Sections 147, 149, 341, 323, 448, 427, 504, and 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that when she requested Shail Devi to execute a registered sale deed with respect to the land in question, she registered the sale deed only with respect to 4 decimal of land and did not execute the sale deed with respect to rest of 4 decimal of the land, further on 17-9-2018 at 3:30 PM, the accused persons including the appellants along with unknown accused entered the house of the informant and on order of Shail Devi, Amit abused her by taking her caste name and also snatched her earrings and unknown accused along with Baua started damaging her house and took one box containing Rs. 10,000/- and clothes.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case by the informant. It is next submitted that from perusal of



allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place within the premises of the informant and thus was not in a public view nor the FIR even remotely suggests that the abuse or assault was heard or witnessed by any independent witness.

5. Learned Spl. P.P. for the State and learned counsel appearing on behalf of the Respondent No. 2 opposes the prayer for anticipatory bail of the appellants and are not in a position to rebut the submission made by learned counsel for the appellants that on account of dispute relating to land, the occurrence is alleged to have taken place and the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses and the occurrence took place within the premises of the respondent No. 2.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court



where the case is pending/successor court in connection with the  
aforesaid case, subject to the conditions as laid down under  
Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

SUMIT/-

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