

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1241 of 2024**

Arising Out of PS. Case No.-3 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Malti Devi, Gender-Female, aged about 67 years, W/O Late Lalan Sah, R/O Mohalla- Sandha Bazar Samiti, Newaji Tola, P.S- Chapra Muffasil, Distt.- Saran At Chapra, Pin- 841301.
2. Bhairo Sahu, Gender-Male, aged about 49 years, S/O Bhagwan Sahu, R/O Mohalla- Sandha Bazar Samiti, Newaji Tola, P.S- Chapra Muffasil, Distt.- Saran at Chapra, Pin- 841301.
3. Vishwakarma Sah @ Vishwkarma Kumar, Gender-Male, aged about 38 years, S/O Late Lalan Sah, R/O Mohalla- Sandha Bazar Samiti, Newaji Tola, P.S- Chapra Muffasil, Distt.- Saran At Chapra, Pin- 841301.
4. Ranjan Kumar, Gender-Male, aged about 23 years, S/O Late Lalan Sah, R/O Mohalla- Sandha Bazar Samiti, Newaji Tola, P.S- Chapra Muffasil, Distt.- Saran At Chapra, Pin- 841301.

... .. Appellants

Versus

1. The State Of Bihar.
2. Ashok Kumar, Gnder-Male, aged about 26 years, S/O Uday Prasad, R/O Mohalla- Ramnagar Shiv Tola, P.S- Chhapra Muffasil, Distt.- Saran at Chapra, Pin- 841301.

... .. Respondents

**Appearance :**

|                           |   |                              |
|---------------------------|---|------------------------------|
| For the Appellants        | : | Mrs. Kiran Kumari, Advocate  |
| For the Respondent No. 2: | : | Mr. Rakesh Kumar, Advocate   |
| For the State             | : | Mr. Binay Krishna, Spl. P.P. |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      29-03-2024                      Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. 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 of the appellants vide order dated 06.02.2024, passed by the learned SC/ST Exclusive Special Judge, Saran at Chapra in A.B.P. No. 331 of 2024 in connection with Chapra Muffasil P.S. Case No. 03 of 2024 registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 34 of the I.P.C., 1860 and Section 2(va) of the SC/ST (POA) Amendment Act, 2015.

3. The prosecution case, in brief, is that on 31.12.2023 at 8.30 A.M., the informant alongwith Satyendra Kumar Das went to his General Store Shop to open the same, in the meantime, the appellants and the co-accused Sonu Kumar came and started abusing them by calling their caste name and Malti Devi (appellant no. 1) locked his shop. On protest, Ranjan Kumar (appellant no.4) caught him and the co-accused Sonu Kumar assaulted on his head with bricks with an intention to kill him causing head injury and started oozing blood. When Satyendra Kumar came to rescue him, Vishwakarma Kumar (appellant no. 3) assaulted with an iron rod on the head of Satyendra Kumar causing forehead injury. It is further alleged that Malti Devi (appellant no. 1) assaulted with slipper. Bhairo Sah (appellant no. 2) spited on his mouth by calling his caste



name.

4. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. It is further submitted that there are so many land disputes between the parties and earlier the father of the informant has filed a case against the appellant nos. 1,3 and 4 due to the land dispute. There is general and omnibus allegation against the appellants. There is no specific allegation of assault against the appellants on the informant and the allegation of assault on the informant is alleged against the co-accused Sonu Kumar. It is a case of civil dispute. No member of public was present at the relevant point of time of the alleged incident. Hence, no offence under the SC/ST Act is made out against the appellants. The appellant nos. 1, 3 and 4 have one criminal antecedent in which they are on bail and the appellant no. 2 has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case, the impugned order dated 06.02.2024, passed by



learned SC/ST Exclusive Special Judge, Saran at Chapra in A.B.P. No. 331 of 2024 in connection with Chapra Muffasil P.S. Case No. 03 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned SC/ST Exclusive Special Judge, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 03 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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