

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1420 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Purnia

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1. Vijay Kishore Gupta SON OF RAM KISHORE GUPTA RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA
 2. NAVAL KISHORE GUPTA @ NAVAL KUMAR GUPTA SON OF LATE RAM KISHORE GUPTA RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA
 3. RAJ KISHORE GUPTA @ RAJ GUPTA SON OF LATE RAM KISHORE GUPTA RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA
 4. AMAN KISHORE GUPTA SON OF CHANDRA KISHORE GUPTA RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA
 5. KARAN KISHORE GUPTA SON OF NAVAL KISHORE GUPTA @ NAVAL KUMAR GUPTA RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BABLU RAJAK SON OF LATE BAIDNATH RAJAK RESIDENT OF VILLAGE- SARDANAND NAGAR, WARD NO. 13, PS- K. HAT, DIST- PURNEA

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Purushottam Kumar Jha, Advocate Mr. Avanindra Kumar Jha, Advocate Mr. Jitendra Acharya, Advocate Mr. Bishwash Vijeta, Advocate Mr. Anand Kumar Tiwari, Advocate Mr. Nishikant, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-06-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order



dated 06.02.2024 passed in a case registered for the offence punishable under sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per prosecution case, it is alleged that all the F.I.R. named accused persons, abused the informant and his family members by caste name. It is further alleged that Appellant No. 1, with the help of other appellants, forcibly placed tin roof and closed the window of the informant. It is further alleged that on 03.02.2023, while the informant had gone to Court to plead the case and while going back home after purchasing household articles at 6 o'clock in the evening, the informant was harassed by these appellants and they also abused him by caste name and threatened the informant to withdraw the case and sell his house and run away from there otherwise the informant and his family will be killed.

4. It is submitted by learned counsel appearing on behalf of the appellants that from bare perusal of the F.I.R. it is apparent that there is admitted land dispute between the parties and panchayati is going on between them and in



order to harass these appellants and settle the said land dispute, this false and concocted case has been lodged. It is not the case of the prosecution that any member of public was present at the time of alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants claim clean antecedents. There is no accusation of any overt act against these appellants.

5. Learned Spl. P.P. for the State and learned counsel appearing for Respondent No.2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 06.02.2024 passed by the court of learned Special Judge, Purnia, in connection with A.B.P. No. 06 of 2024 arising out of Purnia SC/ST P.S. Case No. 05 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Purnia, in connection with A.B.P. No.



06 of 2024 arising out of Purnia SC/ST P.S. Case No. 05 of
2023.

(Prabhat Kumar Singh, J)

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