

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2199 of 2021

Arising Out of PS. Case No.-158 Year-2018 Thana- KARJA District- Muzaffarpur

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1. RAM CHANDRA SAH S/o Late Asharfi Sah R/o Village- Karja Dih, P.S.- Karja, District- Muzaffarpur.
 2. Pintu Sah @ Baidyanath Kumar Sah S/o Sitaram Sah R/o Village- Karja Dih, P.S.- Karja, District- Muzaffarpur.
 3. Anil Sah @ Aditya Kumar S/o Sitaram Sah R/o Village- Karja Dih, P.S.- Karja, District- Muzaffarpur.
 4. Ajay Sah @ Sanjay Kumar Sah @ Sanjay Sah S/o Late Rajaram Sah R/o Village- Karja Dih, P.S.- Karja, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nagendra Paswan Late Vipat Paswan Village-Naurang Sahpur, P.S.- Karja, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate

For the Respondent/s : Mrs. Usha Kumari -1, Special P.P.

Mr. Ratneshwar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 07-02-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the informant.

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 vide order dated 07.12.2020 passed by learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in



connection with Karja P.S. Case No. 158 of 2018 registered under Sections 147, 148, 149, 427, 380, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. All the F.I.R. named accused persons including these appellants after forming an unlawful assembly are said to have abused the informant and others by taking caste name. They also assaulted them by means of lathi and danda.

4. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics and land dispute. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Learned counsel for the appellants relied upon the judgment in the case of **Hitesh Verma Vs. State of**



Uttarakhand and another reported in **(2020) 10 Supreme Court Cases 710** and submitted that in this case also there is admitted land dispute between the parties. It is further submitted that similarly situated co-accused, namely, Sitaram Sah and others have already been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.02.2020 passed in Cr. Appeal (SJ) No.5571 of 2019. Appellants have no criminal antecedent.

5. Learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2 vehemently opposed the prayer for bail.

6. In the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties, 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 released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Muzaffarpur in connection with Karja P.S. Case No.158 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



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

(Anjani Kumar Sharan, J)

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