

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1417 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- DHAKA District- East Champaran

1. Bachcha Sah SON OF Vidhya Sagar Sah RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
2. BACHCHA SINGH SON OF RAMDARSHAN SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
3. RAMAN THAKUR SON OF RAMHANS THAKUR RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
4. MUNNI DEVI WIFE OF BABU LAL THAKUR RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
5. NITU DEVI WIFE OF BHUSHAN SINGH RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
6. RIAM DEVI WIFE OF RAJMANGAL SINGH RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
7. AMALA DEVI WIFE OF SAHEB SINGH RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
8. MAMTA DEVI WIFE OF SAHDEV SINGH RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
9. GITA DEVI WIFE OF MADAN SINGH RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
10. SATYDEV SINGH SON OF RAMBALAK SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
11. SAHDEV SINGH SON OF RAMBALAK SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
12. AVADHKISHOR SINGH SON OF GAURISHANKAR SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
13. RAHUL KUMAR SINGH SON OF AVADHKISHOR SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
14. FUL KUMARI DEVI WIFE OF AVADHKISHOR SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
15. ACHCHHELAL SINGH SON OF SHIVBALAK SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
16. VIDHICHAND SINGH @ VIHICHAN SINGH SON OF AMBIKA SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
17. AVDHESH SINGH @ AVDHESH SINGH SON OF RAMNARESH SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
18. FARID MIYA SON OF SADIK MIYA RESIDENT OF VILLAGE-BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
19. CHHOTELAL SINGH SON OF SATYANARAYAN SINGH RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN



20. BHAGVATIYA DEVI @ BHAGWANTI DEVI WIFE OF SAHDEV SINGH
RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST
CHAPARAN
21. SABITA DEVI WIFE OF CHHOTE LAL SINGH RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
22. RITA DEVI WIFE OF SIKINDR SINGH RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
23. HASIBA KHATUN WIFE OF JAMIL AKHTAR RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
24. MANVA DEVI WIFE OF DASHRATH THAKUR RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
25. ANITA DEVI WIFE OF VIJAY THAKUR RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
26. AMRITA DEVI WIFE OF AADESHWAR SINGH RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
27. ROKSANA KHATUN @ RUKSANA KHATOON WIFE OF NASIM
AKHTAR ALAM RESIDENT OF VILLAGE- BIKRAM PUR, PS-
DHAKA, DIST- EAST CHAPARAN
28. BABY KHATOON WIFE OF HASAN MIYA RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
29. SURATIYA DEVI @ SURTI DEVI WIFE OF KRISHNANDAN
RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST
CHAPARAN
30. MINTU KUMAR SON OF HARIOM SINGH RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
31. FULMATI DEVI WIFE OF RAMLAKHAN SINGH RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
32. AWNISH KUMAR @ AWNISH KUMAR SON OF RAMDUTT SINGH
RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST
CHAPARAN
33. MOSAFIR SINGH SON OF PUJERI SINGH RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
34. RAVI KUMAR SON OF SRINARAIN SINGH RESIDENT OF VILLAGE-
BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
35. DHEERAJ KUMAR SON OF RAJESH SINGH RESIDENT OF
VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST CHAPARAN
36. SOBODH SINGH @ SUDHIR KUMAR SON OF JAGARNATH SINGH
RESIDENT OF VILLAGE- BIKRAM PUR, PS- DHAKA, DIST- EAST
CHAPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. REENA KUMARI, FEMALE CIRCLE OFFICER DHAKA, PS- DHAKA,



DISTT- EAST CHAMPARAN BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-05-2024 1. Heard learned counsel for the appellants 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 27.02.2024 in A.B.P. No. 705 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 15 of 2024 registered for the offences punishable under Sections 147, 148 149, 341, 323, 353, 386, 387, 307, 354(B), 504, 506 and 427 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act.
3. Learned counsel for the appellants submits that appellant nos. 1, 2, 15, 16 and 18 have antecedent of 7, 2, 1, 1 and 1 case respectively while rest of the appellants are persons with clean antecedent. It is next submitted that informant who is Circle Officer alleges that on 08.01.2024, she reached village-



Bikrampur along with personnel from the Revenue Department and police for removing encroachment in compliance of the orders passed by this Court, further when the informant and her team reached the place of occurrence, the accused persons including the appellants and others unknown accused created obstacle during removal of the encroachment and also pelted stones and bricks and damaged the official vehicle of the informant and the driver of the informant was abused by his caste name.

4. Learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation is general and omnibus in nature. It is further submitted that even the allegation of abusing the driver of the informant by taking his caste name is not specific. It is next submitted that since the Circle Officer, in name of the compliance of the orders of this Court, was committing excess in removing encroachment even from places which were not encroached, as such, a mob had gathered and since appellants are also resident of nearby places, as such, they had also come to witness the occurrence.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.



6. In view of the submissions made by the learned counsel for the appellants, the order dated 27.02.2024 in A.B.P. No. 705 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Dhaka P.S. Case No. 15 of 2024 registered for the offences punishable under Sections 147, 148 149, 341, 323, 353, 386, 387, 307, 354(B), 504, 506 and 427 of the Indian Penal Code as well as Sections 3(2)(v) of the SC/ST Act, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhaka P.S. Case No. 15 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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