

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1704 of 2023**

Arising Out of PS. Case No.-122 Year-2021 Thana- SHASTRINAGAR District- Patna

1. BHUWAN KUMAR SON OF RAM PRAVESH RAY RESIDENT OF VILLAGE- HULARI TOLA, PS- MANER DISTT- PATNA
2. RAJU RAY SON OF BATOHI RAY RESIDENT OF VILLAGE- HETTANPUR, PS- SAHPUR, DISTT- PATNA
3. KALLU RAY @ RAJ KUMAR RAY SON OF MUNSI RAY RESIDENT OF VILLAGE- HARSAN CHAK , PS- AKHILPUR , DISTT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJU DEVI WIFE OF RAJ KUMAR DAS RESIDENT OF VILLAGE- EAST OF LALU KHATAL JHOPDI, PO- B.V. COLLEGE, PS- SHASHTRI NAGAR, DISTRICT- PATNA

... .. Respondent/s

**Appearance :**

|                      |   |                          |
|----------------------|---|--------------------------|
| For the Appellant/s  | : | Mr. Manoj Kumar          |
| For the Respondent/s | : | Mrs. Usha Kumari-1       |
|                      |   | Mr. Birendra Kumar Singh |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      10-01-2024      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.02.2023 passed by learned Exclusive Special Judge (SC/ST Act), Patna in connection with Special Case No.39 of 2022, arising out of Shastri Nagar P.S. Case No. 122/2021 registered



under Sections 341, 342, 323, 324, 354, 504 & 506/34 of the Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the F.I.R., the informant residing in a hut for several years. The said land was settled in favour of the informant in Bandobasti system. It is alleged that near the hut of the informant illegal Khatala have been constructed by the accused persons. It is also alleged that a police party came and order to remove all the Khatala within two days but on 10.03.2022, all the accused persons came to the hut of the informant and assaulted her. They also abused her by taking her caste name.

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. The allegation of assault levelled against the appellants 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 hut of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The learned lower Court has not mentioned any injury in the impugned order. It is further submitted that the informant has filed a case bearing PLA Case No.70/2019 before the learned Court of permanent Lok Adalat, Patna and the same was disposed of with observation that the land in question was allotted as Kahatal to the accus

year 1994 by the PRDA. Appellants



have no criminal antecedent as mentioned in para-3 of memo of appeal.

5. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, let 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 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 Exclusive Special Judge (SC/ST Act), Patna in connection with Special Case No.39 of 2022, arising out of Shastri Nagar P.S. Case No. 122/2021, 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)**

Trivedi/-

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