

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1623 of 2023**

Arising Out of PS. Case No.-62 Year-2022 Thana- SC/ST District- Darbhanga

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1. Devendra Kumar Lal Das @ Devendra Lal Das, Son of Late Mahendra Narayan Lal Das, Resident of village - Bahera, P.S.- Bahera, District – Darbhanga.
  2. Deependra Kumar Das, Son of Sri Devendra Lal Das @ Devendra Kumar Lal Das, Resident of village - Bahera, P.S.- Bahera, District – Darbhanga.
  3. Ajit Kumar Das, Son of Sri Devendra Lal Das @ Devendra Kumar Lal Das, Resident of village - Bahera, P.S.- Bahera, District – Darbhanga.

... .. Appellants

Versus

1. The State of Bihar.
2. Sanjay Ram, Son of Dukhi Ram, Resident of village - Habibhauar, P.S.- Bahera, District - Darbhanga (Informant).

... .. Respondents

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**Appearance :**

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| For the Appellants | : | Mr. Ajay Kumar Thakur and Mrs. Vaishnavi Singh,<br>Advocates |
| For the State      | : | Mr. Sadanand Paswan, Spl. P.P.                               |

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

ORAL ORDER

7      12-01-2024                      Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite service of notice.

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 23.02.2023, passed by the learned 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge,



SC/ST (POA) Act, Darbhanga in A.B.P. No. 05 of 2023 arising out of SC/ST P.S. Case No. 62 of 2022 registered for the offences punishable under Sections 341, 342, 323, 504, 506/34 of the I.P.C. and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecution case, in brief, is that while the informant was returning to his house on bicycle, all the appellants encircled him and on the order of Devendra Kumar Lal Das @ Devendra Lal Das (appellant no. 1), all the appellants assaulted him with Lathi-danda, fists and slaps. It is further alleged that Ajit Kumar Das (appellant no. 3) gave knife blow on the informant's head causing head injury and Devendra Kumar Lal Das @ Devendra Lal Das (appellant no. 1) with the help of other appellants, took his thumb impression on the plain paper and kept with him. On hulla, local people assembled there and anyhow he was saved. While the accused persons were returning, they gave threatening to the informant to leave the land and they also abused the informant 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 submitted that due to grab the land of the appellants, the present false case has been filed by the informant. It is submitted that the sale deed dated 04.05.2022 has been executed by one Niraj Mandal in favour of Sanjay Ram (informant) with regard to old Khata No. 117, old Khesra No. 109, new Khata No. 90, new Khesra No. 117 and the aforesaid land belongs to the appellants' family which was already purchased by late Ram Narain Thakur in the name of late Narayan Jee Lal Das i.e., the Fufa of the appellant no. 1 and the maternal grand-father of the appellant nos. 2 and 3 in the year 1961. It is further submitted that the informant was examined by the doctor and the doctor found a lacerate wound caused by blunt object on the left parietal head. From perusal of the F.I.R., it appears that no member of public was present at the relevant point of time of the alleged incident. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedents as stated in paragraph no. 4 of the supplementary affidavit filed on behalf of the appellants.

5. Learned Spl. P.P. for the State has 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 23.02.2023, passed by learned 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in A.B.P. No. 05 of 2023, arising out of SC/ST P.S. Case No. 62 of 2022, 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 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 62 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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