

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1793 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- SC/ST District- East Champaran

Brijkishore Kumar Son Of Late Rajendra Sah Resident Of Village - Ward
No.-7, Mathiya Dih, P.S. - Chhatauni, District - East Champaran

... .. Appellant

Versus

1. The State Of Bihar
2. Sumitra Devi Wife Of Vishwanath Paswan Resident Of Village - Mathiya
Dih, Ward No.-7, Dhaka Road, Near A Pokhara, P.S. - Chhatauni, District -
East Champaran

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate
For the State	:	Mr. Binay Krishna, Special PP
For the Respondent No.2:	:	Mr. Rakesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 10-06-2024

Heard learned counsel for the appellant, learned
counsel for the informant/respondent no.2 as well as learned
counsel for the State.

03. The present appeal has been preferred by the
appellant under Section 14(A)(2) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 against
the refusal of prayer for anticipatory bail by order dated
11.03.2024 passed by learned Exclusive Special Judge, SC/ST
(Prevention of Atrocities Act), East Champaran at Motihari in
connection with Motihari SC/ST P.S. Case No. 72 of 2023
registered on 24.12.2023 for the alleged offences under
Sections 341, 323, 354(B), 384, 379, 504, 506, 34 of the Indian



Penal Code and Section 3(i)(r)(s)/W(i)(g)/3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

04. As per the prosecution case, the allegation against the appellant and other co-accused persons is that of demanding extortion money of Rs. 5,00,000/- and abusing the informant taking caste name. Further allegation is against the appellant and others is that of damaging the boundary-wall of the land of the informant and also assaulting her with slaps and fists and dragging her on land, outraging her modesty. Further allegation against the appellant is that he threatened the informant taking out a pistol.

05. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. There is inordinate delay of 20 days in lodging the FIR for which there is no satisfactory explanation. Learned counsel further submits that the occurrence took place in the background of fact that the appellant has purchased 0.29 decimal (1 dhur) of land of *Khata No. 42, Khesra No. 203* from one Mukesh Kumar on 24.03.2023 and thereafter the present informant has purchased 5.80 decimal land from the same plot on 12.04.2023 from one Sugi Devi. Since the appellant is already in possession over the said land, the informant wants to



dispossess him and has lodged this false case in order to pressurize the appellant, who has filed Title Suit no. 28 of 2024 against the informant and others. Learned counsel further submits that from perusal of FIR, it is apparent that there is general, vague, sweeping and omnibus allegation against the appellant and others though no such occurrence has ever taken place. Learned counsel further submits that there is no specific allegation of abusing the informant by this appellant and such allegation has been levelled against co-accused persons. The only allegation against the appellant is that of dragging the informant and threatened her taking out a pistol, is not believable and is completely false and concocted. Learned counsel further submits that the appellant has got one criminal antecedent, in which he is on bail.

06. Learned Special PP as well as learned counsel for the informant/respondent no.2 vehemently oppose the submission made on behalf of the appellant. Learned counsel for the respondent no. 2 submits that the appellant and other co-accused persons threatened the informant taking her caste name and they also assaulted her and specific allegation against the appellant that he threatened the informant taking out a pistol.

07. Perused the record.

08. Having regard to the aforesaid facts and



circumstances and submissions made on behalf of the parties and considering the strong possibility of false implication in the background of land dispute and improbability of accusation, let the appellant above named, in the even of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari, in connection with Motihari SC/ST P.S. Case No. 72 of 2023, subject to the condition laid down under Sections 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the appellant.
- (ii) The appellant will remain present on each and every date fixed by the court below.

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

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.06.2024
Transmission Date	11.06.2024

