

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1814 of 2024

Arising Out of PS. Case No.-558 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. Akash Pal @ Akash Kumar Pal Son of Suresh Pal Resident of Village- Husainpur, P.S.- Bochahan, District- Muzaffarpur
2. Suresh Pal Son of Late Chandradev Pal Resident of Village- Husainpur, P.S.- Bochahan, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi Wife of Mintu Das Resident of Village- Husainpur, P.S.- Bochahan, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Nachiketa Jha, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Raju Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-06-2024 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for Respondent No. 2.

2. This appeal has been filed for setting aside order dated 19.03.2024 passed by the Court of learned Special Judge S.C. & S.T. (POA) Act, Muzaffarpur, in a case registered for the offences punishable under Sections 147, 149, 341, 323, 447, 354B, 325 and 307 of the Indian Penal Code and Sections 3(i)(r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, on the alleged date



and time of occurrence, while the informant was returning home, all the F.I.R. named accused persons, including these appellants, armed with lathi, danda and farsa, abused her by caste name and assaulted the her and her son and mother-in-law.

4. It is submitted by learned counsel appearing on behalf of the appellants that the appellants have been falsely implicated in this case due to land dispute. It is next submitted that no as such occurrence as narrated in the F.I.R. ever took place. It is further submitted that there is general and omnibus allegation of assault and abuse against these appellants. It is further submitted that specific accusation of assault is against co-accused Aman Pal @ Vishal Pal. It is further submitted that for the same occurrence, there is case and counter-case and both sides have sustained injuries. It is further submitted that it is not the case of the prosecution that the alleged incidence took place in presence of public and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel for Respondent No. 2 have opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances



of the case, this appeal is allowed and the impugned order dated 19.03.2024 passed by the Court of learned Special Judge S.C. & S.T. (POA) Act, Muzaffarpur, in A.B.P. No. 126 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge S.C. & S.T. (POA) Act, Muzaffarpur, in connection with A.B.P. No. 126 of 2024 arising out of Bochaha P.S. Case No. 558 of 2023.

(Prabhat Kumar Singh, J)

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