

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1979 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- SC/ST District- Samastipur

Sanjay Prasad Singh S/o Late Raman Prasad Singh R/o vill - Bathua Buzurg,
P.s. - Musarigharari, Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Puniya Devi W/o Dinesh Sada R/o vill - Bathua Buzurg, P.S. -
Musarigharari, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-08-2024 1. Heard learned counsel for the appellant, learned
Spl. P.P. for the State and the learned counsel appearing on
behalf of 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 referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 15.03.2024 in A.B.P. No. 677 of 2024 passed by
the learned Special Judge S.C./S.T. (POA) Act, Samastipur in
connection with Samastipur SC/ST P.S. Case No. 08 of 2024
registered for the offences punishable under Sections 341, 323,
354, 384, 406, 419 and 420 of the Indian Penal Code as well as



Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that the informant was interested in purchasing the land of the appellant, but then was not willing to pay the consideration which the appellant was asking, as such, the appellant sold the land to a different person for a valid consideration which grieved the informant, as such, he instituted the instant FIR with an allegation that he was having a hut on the land in question, but he was dispossessed and the land was in the name of his father-in-law. It is next submitted that the FIR does not even give the *Khata* and *Khesra* number of the land. It is also submitted that if the informant had any connection with the land in any manner, at least he would have given the description of the land, but then the same is missing. It is also submitted that in the nature of allegation, *prima facie* no offence under the SC/ST Act is made out, as the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.



4. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the respondent no. 2 oppose the prayer for anticipatory bail of the appellant, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellant that the FIR does not even remotely suggest that the occurrence was witnessed by any independent witnesses.

5. In view of the submissions made by the learned counsel for the appellant, the order dated 15.03.2024 in A.B.P. No. 677 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 08 of 2024 registered for the offences punishable under Sections 341, 323, 354, 384, 406, 419 and 420 of the Indian Penal Code as well as Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the SC/ST Act in connection with Samastipur SC/ST P.S. Case No. 08 of 2024, is **hereby set aside** and the appellant above-named, in the event of his 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) 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 Samastipur SC/ST P.S. Case No. 08 of 2024
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

6. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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