

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2218 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- PUSA District- Samastipur

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1. Bhawesh Kumar Karjee @ Bhawesh Kumar Son of Late Umesh Kumar Karjee R/O Vill.- Mahmmadpur Deopar, P.S.- Pusa, Dist.- Samastipur
 2. Pinku Kumar Karjee @ Sarvesh Kumar Karjee Son of Late Umesh Kumar Karjee R/O Vill.- Mahmmadpur Deopar, P.S.- Pusa, Dist.- Samastipur
 3. Sunil Kumar @ Sunil Ray Son of Vinod Ray R/O Vill.- R.A.U., Ward no. 10, Mahmmadpur, P.S.- Pusa, Dist.- Samastipur.
 4. Vinod Ray Son of Bilat Ray R/O Vill.- R.A.U., Ward no. 10, Mahmmadpur, P.S.- Pusa, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rina Devi, Wife of Shatudhan Mahto R/O Vill.- Mahmmadpur, Dewpar, P.S.- Pusa, Dist.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anant Kumar Mishra
For the State	:	Ms. Usha Kumari 1- Spl.P.P.
For the Respondent	:	Md. Abu Nasar- Advocate
		Mr. Vatsal Vishal- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 30-07-2024 1. Heard the learned counsel for the appellants, learned counsel for the respondent no.2 and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 20.04.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No.1169 of 2024 arising out of Pusa P. S. Case No.33 of 2024, instituted for the offences under Sections 341, 342, 323, 447, 354(B), 504, 506 and 34 of the Indian Penal Code and Section 3(1)(e), 3(1)(f), 3(1)(r), 3(1)(u), 3(1)(w)(i), 3(1)(s) of the Scheduled Castes &



Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that the case of the informant is that the land in dispute was purchased by the grandfather of the informant in the Year 1911, whereas the case of the appellants is that they had purchased the land in the Year 1945 from the co-sharer of the informant, as such, the informant alleges that while they were ploughing the field the appellants came and assaulted and even acted inappropriately.

4. The learned counsel appearing on behalf of the appellants submitted that on account of dispute relating to land, the appellants have been falsely implicated and from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not even remotely suggest that the occurrence was witnessed by any independent witness, which amply demonstrates that prima facie no offence under the SC/ST (POA) Act is made out and the allegation of abuse and assault is ornamental.



5. The the learned counsel appearing on behalf of the respondent no.2 and learned Special P. P. opposed the appeal, but then, they are not in a position to dispel the submission of the learned counsel appearing on behalf of the appellants that the occurrence took place on account of dispute relating to land and the occurrence was not witnessed by any independent witnesses.

6. Regard being had to the aforesaid submissions, the order dated 20.04.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No.1169 of 2024 arising out of Pusa P. S. Case No.33 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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