

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2560 of 2023

Arising Out of PS. Case No.-133 Year-2016 Thana- LAUKAHI District- Madhubani

1. Surya Narayan Sah, aged about 61 years, Gender-Male, S/O Mishri Sah, R/O Village- Thadhi, PS. Laukahi, Dist. Madhubani.
2. Mishri Sah, aged about 31 years, Gender-Male, S/O Late Ramji Sah, R/O Village- Thadhi, PS. Laukahi, Dist. Madhubani.

... .. Appellants

Versus

1. The State of Bihar.
2. Ramdeo Paswan, S/O Late Shital Paswan, R/O Village. Chichodawa, PS. Laukahi, Dist. Madhubani.

... .. Respondents

Appearance :

For the Appellants	:	M/S. Jitendra Kumar Bharti and Nitu Kumari, Advocates
For the Respondent No.2:		Mr. Md. Soban Asghat and Ashod, Advocates
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 02-02-2024 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

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 appellant vide order dated 20.02.2023, passed by the learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST), Madhubani in A.B.P. No. 258 of 2023 in connection with



Laukahi P.S. Case No. 133 of 2016 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 448, 380, 435 and 504 of the I.P.C., and Section 3(1)(x) of the SC/ST Act.

3. The prosecution case, in brief, is that due to land dispute, all the accused persons including the appellants armed with weapons came to the house of the informant and started abusing him. It is further alleged that the appellant no. 1 and the co-accused persons, Raj Narayan Yadav and Budhan Yadav, surrounded the informant and abused him with his caste name and assaulted him. The appellant no. 1 and the co-accused Manvir Yadav, entered the house of the informant, destroyed the belongings of the informant and took clothes, jewellery and Rs. 5000/- and the co-accused Raj Narayan Yadav and Manvir Yadav also set fire by putting kerosene oil on his house.

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 on the alleged date and time of occurrence, the appellants did not visit the house of the informant and neither they had made any abusive language nor had threatened or assaulted the informant or any of his family members. It is further submitted that there is land dispute between the parties



as is also evident from the F.I.R. No member of public was present at the relevant point of time of the alleged incident. The alleged occurrence has not taken place in a public view. Hence, no offence under the SC/ST Act is made out against the appellants. The appellant no. 1 has one criminal antecedent in which he is on bail and the appellant no. 2 has clean antecedent as stated in paragraph no. 3 of the memo of appeal.

5. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have 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 20.02.2023, passed by learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST) Act, Madhubani in A.B.P. No. 258 of 2023 in connection with Laukahi P.S. Case No. 133 of 2016, 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 Additional



Sessions Judge-I-cum-Special Judge, (SC/ST) Act, Madhubani
in connection with Laukahi P.S. Case No. 133 of 2016, subject
to the condition as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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