

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2975 of 2023**

Arising Out of PS. Case No.-25 Year-2023 Thana- PARASBIGHA District- Jehanabad

1. Surendra Thakur son of Late Sahadev Thakur Village- Gonwan Ps- Parasbigha Dist- Jehanabad
2. Amartosh Thakur son of Surendra Thakur Village- Gonwan Ps- Parasbigha Dist- Jehanabad
3. Kalawati Devi D/o- Surendra Thakur Village- Gonwan Ps- Parasbigha Dist- Jehanabad
4. Kusum Devi D/o- Surendra Thakur Village- Gonwan Ps- Parasbigha Dist- Jehanabad
5. Shanti Devi wife of Surendra Thakur Village- Gonwan Ps- Parasbigha Dist- Jehanabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Fulwa Devi wife of Biran Manjhi Village- Gonwan Ps- Parasbigha Dist- Jehanabad

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Paras Nath  
For the State : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      22-11-2024                      Heard learned counsel for the appellants and learned Special P.P. for of the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 11.05.2023 passed by learned A.D.J. 1<sup>st</sup> cum Special Judge, (SC/ST), Jehanabad in connection with Parasbigha P.S. Case No. 25 of 2023, registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per the FIR, on 20.01.2023 at about 8:30 AM while the husband of informant alongwith two other persons had gone to work on the land of one Suman Devi, all the appellants came and started assaulting them with brick and stone. The accused persons also abused them by caste name.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in this case by informant only with a view to save their skin from Parasbigha P.S. Case No. 24/2023, lodged by appellant no. 1 against husband of informant and others, wherein these persons brutally assaulted appellant no. 1 with *lathi & danda*. Though, there is allegation of assault in the present case, but no one has sustained any injury. There is admitted land dispute between the parties. He further submits that it is not the case of the informant that at the time of alleged occurrence, any member of the public was present and as such, no case under the SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State vehemently opposes the appeal.

6. However, considering the aforesaid facts and



circumstances, the impugned order dated 11.05.2023 is, hereby,  
set aside and this criminal appeal is allowed.

7. Let the appellants, as named above, in the event of  
arrest or surrender within a period of eight weeks from today, be  
released 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 learned A.D.J. 1<sup>st</sup> cum Special Judge, (SC/ST),  
Jehanabad in connection with Parasbigaha P.S. Case No. 25 of  
2023.

**(Prabhat Kumar Singh, J)**

anay

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

