

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3039 of 2023

Arising Out of PS. Case No.-215 Year-2023 Thana- FATEHPUR District- Gaya

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1. LATO PRASAD @ CHANDESHWAR PRASAD Son of Late Karamchand Mahto Resident of village - Kumbhiyatri, P.S.- Fatehpur, District - Gaya
 2. Manju Devi Wife of Lato Prasad @ Chandeshwar Prasad Resident of village - Kumbhiyatri, P.S.- Fatehpur, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalo Manjhi Wife of Sipahi Manjhi Resident of village - Kumbhiyatri, P.S.- Fatehpur, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 21-11-2024 1. Heard learned counsel for the appellant and learned

Additional Public Prosecutor for the State.

2. An order, dated 20.05.2023, passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in ABP No. 153 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Fatehpur Police Station Case No. 215 of 2023 registered for the offence punishable under Sections 341, 323, 324, 504, 506, 34 of the Indian Penal Code and Section 3 (i)(r)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the FIR, on 19.03.2023, at about 11:30 am in the morning, when the informant arrived at her land, she saw



that the appellants along with other accused persons were installing a gunti (kiosk) on informant's land and upon objection, co-accused Pintu Prasad started abusing and assaulted the informant by means of sickle (hasua) on the right hand of the informant. When sister-in-law of the informant came, she was also assaulted and abused along with Anita Devi.

4. Learned counsel for the appellants submits that appellants have been made accused due to land dispute between the parties merely because they happen to be the family members of Pintu Prasad against whom there is specific allegation of assault and abuse. He further submits that the occurrence has taken place due to dispute regarding garmazarua land which is situated in front of the house of the informant. There is no allegation against the appellants that they assaulted the informant and abused her by caste name.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that appellants arrived with the co-accused persons and abused and assaulted the informant and her family members. He further submits that during course of investigation, the witnesses have supported the prosecution story. He further submits that appellants and other accused persons abused the



informant in full public view.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the occurrence has taken place due to dispute regarding garmazarua land and there is no specific allegation of assault and abuse against the appellants, I am inclined to grant the appellants privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 20.05.2023, passed by learned Exclusive Special Judge, SC/ST Act, Gaya, in ABP No. 153 of 2023, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 Exclusive Special Judge, SC/ST Act, Gaya, in connection with Fatehpur Police Station Case No. 215 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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