

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3218 of 2023

Arising Out of PS. Case No.-25 Year-2020 Thana- SC/ST District- Purnia

1. CHANDRA SHEKHAR SHEKHAR VERMA @ SHEKHAR VERMA @ CHANDRA SHEKHAR VERMA SON OF RAMDEO PRASAD RESIDENT OF VILLAGE- BHATHA BAZAR SABJI MANDI BACK SIDE OF SANJAY HOTEL PS- SAHAYAK KHAJANCHI HAT, DIST- PURNEA
2. PRATIK VERMA SON OF CHANDRASHEKHAR VERMA @ SHEKHAR VERMA RESIDENT OF VILLAGE- BHATHA BAZAR SABJI MANDI BACK SIDE OF SANJAY HOTEL PS- SAHAYAK KHAJANCHI HAT, DIST- PURNEA
3. SUBHAM VEMA @ SHUBHAM KUMAR SON OF CHANDRA SHEKHAR VERMA RESIDENT OF VILLAGE- BHATHA BAZAR SABJI MANDI BACK SIDE OF SANJAY HOTEL PS- SAHAYAK KHAJANCHI HAT, DIST- PURNEA
4. BABITA VERMA @ BABITA DEVI WIFE OF ARVIND KUMAR VERMA @ MOHAN VERMA RESIDENT OF VILLAGE- BHATHA BAZAR SABJI MANDI BACK SIDE OF SANJAY HOTEL PS- SAHAYAK KHAJANCHI HAT, DIST- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. BHOLA RAJAK SON OF KRISHNA DHOBI @ KISHUN RAJAK RESIDENT OF VILLAGE- BHATHA BAZAR (KALALI), WARD NO. 6/27, PS- SAHAYAK K. HAT, DIST- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-11-2024 1. Heard learned counsel for the appellant and learned

Additional Public Prosecutor for the State.

2. An order, dated 06.05.2023, passed by learned
Special Judge, SC/ST Act, Purnea, in ABP No. 27 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 SC/ST Police Station Case No. 25 of 2020 registered for the offence punishable under Sections 341, 323, 504, 506, 34 of the Indian Penal Code and Sections 3 (1)(r)(s), 3(2Va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the FIR, on 09.03.2020, co-accused Shivam alias Ishu along with four to five persons came near the house of the informant and they started shouting and when the informant's son came out, the accused persons started abusing by calling the informant and his son by their caste name. In the meanwhile, co-accused persons along with the appellants came on the land of the informant, attacked the informant and his son, abused the informant and his family members by calling their caste name.

4. Learned counsel for the appellants submits that the appellant no. 1 is father, appellant no. 2 and 3 are sons of appellant no. 1 and appellant no. 4 is the brother's wife of appellant no. 1. The entire family have been made accused due to land dispute between the parties. He further submits that during the course of investigation, the fact regarding land dispute has come inasmuch as in the front of the house of the



informant, two katthas of land is situated having khata no. 277, 454, Khesra No. 330, 336, 337 and owner of the said land Ram Dev Sharma had executed an agreement for sale on 09.05.2020 in favour of the appellant no. 1 and transferred possession of the said land after taking the entire consideration amount. Subsequently, appellant came to know that the land was already sold in favour of the informant by registered sale deed dated 11.07.2018. Learned counsel next submits that earlier also a Complaint Case No. 105 of 2018 under SC/ST Act and other sections of the IPC was lodged by the informant against the appellants and others which was referred to the police for investigation and after investigation, the case was closed on the ground that it involves civil dispute between the parties.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that from perusal of the impugned order, it would be evident that charge sheet has been submitted against the appellant nos. 1 and 2 under Sections 341, 323, 504, 34 of the IPC and Sections 3(1)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act and the learned Magistrate has taken cognizance against appellant nos. 1 and 2 under SC/ST Act finding prima facie case against them,



accordingly, in view of the decision of the Supreme Court, in the case of Bachu Das v. The State of Bihar and Others, reported in (2014) 3 SCC 471, this appeal, for grant of anticipatory bail, is not maintainable.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that after submission of charge sheet learned Special Court has taken cognizance of offences under SC/ST Act against appellant nos. 1 and 2, I am not inclined to grant the appellant privilege of anticipatory bail to appellant nos. 1 and 2. The same is rejected. Insofar as the allegation against appellant nos. 3 and 4 are concerned, the same is general and omnibus in nature and arises out of land dispute between the parties and police, while submitting charge sheet against appellant nos. 1 and 2, has exonerated appellant nos. 3 and 4 not sending them for trial, I am inclined to grant the appellant privilege of anticipatory bail to appellant nos. 3 and 4.

7. This appeal is, accordingly, allowed, to the extent indicated above and the order, dated 06.05.2023, passed by learned Special Judge, SC/ST Act, Purnea, in ABP No. 27 of 2023, is set aside.

8. Let the appellant nos. 3 and 4, 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 Special Judge, SC/ST Act, Purnea, in connection with SC/ST Police Station Case No. 25 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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