

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3253 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Begusarai

-
1. ANIL KUMAR GUPTA S/O RAM BAHADUR GUPTA R/O VILLAGE-SOKHARA-2, WARD NO. 1, PS. PHULWARIA, DIST. BEGUSARAI
 2. AMIT KUMAR S/O ANIL KUMAR GUPTA R/O VILLAGE- SOKHARA-2, WARD NO. 1, PS. PHULWARIA, DIST. BEGUSARAI
 3. PUNAM KUMARI W/O ANIL KUMAR GUPTA R/O VILLAGE-SOKHARA-2, WARD NO. 1, PS. PHULWARIA, DIST. BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. NANDAN PASWAN NA RESIDENT OF BISHAHRA ASTHAN, PS. PHULWARIA, DIST. BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Dhar Jha

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 03.05.2023, passed by learned
Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in ABP
No. 648 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 Begusarai SC/ST Police Station Case No. 23 of 2022
registered for the offence punishable under Sections 323, 504,



379, 506, 34 of the Indian Penal Code and Sections 3 (i)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the FIR, on 20.06.2022, while the informant was constructing a boundary wall on the land of Chandan Kumar, the appellants arrived there with five unknown persons having weapons in their hands and appellant no. 1 abused the informant by his caste name and asked why the boundary wall was being constructed and also assaulted the informant with bricks. The appellant no. 2 assaulted the informant by butt of the pistol and appellant no. 3 snatched Rs. 5,000/- from the pocket of the informant.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to land dispute. The informant is a mason and he has been implanted by Chandan Kumar with whom, the appellants are having land dispute. The land in question situated at Mauza Shokhara, Khata No. 822, Khesra No. 1293 having an area of 3 kattha and 4 dhur was purchased by appellant no. 1 by virtue of sale deed bearing no. 569. Proceeding under Section 144 was also going on between Chandan Kumar and the appellants. Appellant no. 1 is a government servant, appellant no. 2 is engineer and appellant



no. 3 is a housewife aged about 63 years.

5. Despite service of notice no one appears for respondent no. 2.

6. On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that the appellants are specifically named in the FIR. They have assaulted and called the informant by his caste name.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be land dispute between appellants and Chandan Kumar and the informant being a mason, was constructing a boundary wall on the land at the instance of Chandan Kumar, I am inclined to grant the appellant privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 03.05.2023, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai, in ABP No. 648 of 2023, is set aside.

9. 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 (POA) Act, Begusarai, in connection with Begusarai SC/ST Police Station Case No. 23 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

