

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2883 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- LAUKAHA District- Madhubani

1. Satya Narain Sah S/o Bhuletan Sah Resident of Village- Balanpatti (Basaniya), P.S.- Laukaha, District- Madhubani
2. Ram Kumar Sah S/o Bholu Sah Resident of Village- Balanpatti (Basaniya), P.S.- Laukaha, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindeshwar Das S/o Late Basudeo Das Resident of Village- Balanpatti (Barniya), P.S.- Laukaha, District- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ratanakar Jha, Adv
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Sanjay Kumar Jha, Adv

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

11 10-12-2024 Heard learned counsel for the appellants and learned Special P.P. for the State.

2. An order, dated 27.06.2022 passed by learned 1st Addl. Sessions Judge-cum- Special Judge, Madhubani in A.B.P. No. 927 of 2022, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste Act and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Laukaha Police Station Case No. 211 of 2021 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 448, 380, 354B, 504, 506/34 of the Indian Penal Code and



Sections 3(r)(v) of the SC/ST Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 26.06.2021 at about 04:00 P.M., the appellants alongwith other accused persons were digging ditch beside the house of the informant and when objected by the informant, appellant no. 1, alongwith co-accused Jivach Sah, assaulted him by means of iron-rod and spade on his head. It has further been alleged that Jivach Sah assaulted the informant by rod on his left hand causing fracture. When Lalit Kumar Das and Guddu Das, informant's sons intervened, the appellant no. 2 assaulted them by means of iron *khanti* causing injury on their heads. All the accused persons assaulted the family members of the informant and abused them by taking their caste name.

4. Learned Counsel appearing on behalf of the appellants submits that both appellants and the informant are residing side by side and they are neighbours. The dispute between them arose due to digging of the land. There was no intention on part of the appellants to humiliate or undermine the caste of the informant. The injury caused to the informant on his head is simple in nature; whereas, the injury caused on his hand is grievous, which is attributable to co-accused Jivach Sah. The injury caused to the informant's son, Lalit Kumar Das, is simple



in nature.

5. On the other hand, learned Counsel for the informant and State opposed the prayer for anticipatory bail and submits that both the appellants assaulted the informant and his son when the informant objected them from digging the soil near his house. They also abused the informant and his family members by their caste name. The injury caused to the informant on his hand is grievous in nature.

6. Having heard the learned Counsel for the parties and taking into consideration the fact that both the parties are neighbours, having dispute regarding adjacent land and the injury caused to the informant by the appellant no. 1 is simple in nature and the son of the informant, Lalit Kumar Das also sustained simple injury caused by appellant no. 2, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, this appeal is allowed and the order, dated 27.06.2022 passed by learned 1st Addl. Sessions Judge-cum- Special Judge, Madhubani in A.B.P. No. 927 of 2022, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum- Special Judge, Madhubani in connection with Laukaha P.S. Case No. 211 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

9. Mr. Binay Krishna, learned Special P.P. is directed to furnish a diary in the office within four weeks.

(Anil Kumar Sinha, J)

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