

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3395 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- TARAIIYA District- Saran

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1. Jira Devi Wife Of Ramishwar Sahani Resident Of Village -SITALPUR, Ps- Taraiya, Distt- Saran
 2. Sobha Devi Wife Of Jitendra Sahani @ Bigan Sahani Resident Of Village -SITALPUR, Ps- Taraiya, Distt- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Guddu Kumar Basfore Son Of Shankar Raut Resident Of Village -madhopur Chhota, Ps- Taraiya, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Chandra Gandhi
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 23-02-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 21.03.2023 passed by the learned 3rd Additional Sessions Judge-cum- SC/ST Special Court, Saran at Chapra in connection with A.B.P. No. 857/2023, arising out of Taraiya P.S. Case No. 425 of 2022, registered for the alleged offences under Sections 341, 323, 324, 325, 307, 354, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act.



3. As per the prosecution case, on 03.11.2022, both the appellants and the other co-accused persons tried to cut the paddy crops of the informant forcibly and the informant and his father reported the matter to the concerned police station. Again on 09.11.2022, all the accused persons holding arms began to cut the crops. Then the informant parents and brother protested. All the accused persons abused with their caste name and also assaulted the informant. The co-accused Jitendra assaulted twice on the head of Shankar Raut with intention to kill due to which his head was cut and profuse bleeding started. Rest accused persons assaulted him with lathi.

4. Learned counsel for the appellants submitted that the appellants are innocent and has been falsely implicated in this case. The allegation of abusing against the appellants are general and omnibus and no member of public was present at the relevant point of time of the alleged occurrence, hence, no offence under the provisions of SC/ST Act is made out against the appellants. There is land dispute between both the parties. There is injury and counter injury mentioned in para 8 of the appeal. The appellants have no criminal antecedent stated in para 3 of the appeal.

5. Learned Spl. P.P. for the State as well as learned



counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case is made out against the appellants, the impugned order dated 21.03.2023 passed by the learned 3rd Additional Sessions Judge-cum- SC/ST Special Court, Saran at Chapra, in connection with A.B.P. No. 857/2023, arising out of Taraiya P.S. Case No. 425 of 2022, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum- SC/ST Special Court, Saran at Chapra in connection with A.B.P. No. 857/2023, arising out of Taraiya P.S. Case No. 425 of 2022, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

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