

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3269 of 2024**

Arising Out of PS. Case No.-244 Year-2024 Thana- OBRA District- Aurangabad

1. Nuraisha Khatoon Wife Of Jawed Shai Village- Bel, P.S.- Obra, District- Aurangabad
2. Rasuda Khatoon @ Rashida Khatoon Wife Of Jawed Shai @ Salim Shai Village- Bel, P.S.- Obra, District- Aurangabad
3. Roushani Khatoon Daughter Of Umar Shai Village- Bel, P.S.- Obra, District- Aurangabad
4. Aamad Shai @ Ahmad Shai Son Of Umar Shai Village- Bel, P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Kamla Devi Wife Of Chhotu Chaudhary Village- Bel, P.S.- Obra, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Rajpati, Adv.
For the Respondent/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 13-12-2024 Heard learned counsel for the appellants as well as
learned Spl.P.P. for the State.

2. This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 01.07.2024 passed by the learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 244 of 2024, registered for the offences punishable under Sections 323, 341, 307, 504 and 34 of the Indian Penal Code & Sections 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act whereby the prayer for



bail of the appellants has been rejected.

3. As per allegation, on 23.05.2024 about 03.30 P.M., the husband of the informant was fixing the bamboo in his land, all of a sudden, accused persons came and started abusing him for fixing the bamboo. Accused Jawed Sai assaulted the husband of the informant by means of *lathi* upon his head, in result, he sustained injury. Accused Rashuda Khatoon and Ahmad Sai also assaulted him with the motive to kill. The informant belongs to Scheduled Caste and the accused persons abused them with the caste name.

4. Learned counsel for the appellants submitted that appellant nos. 1, 2 & 3 are ladies. There is a case and counter case from both the sides and also land dispute between the parties. He further submitted that the F.I.R. shows itself that the occurrence did not take place due to malicious feelings of caste rater it was due to land dispute between the parties, as such, the provisions of SC/ST Act are not attracted at all.

5. Learned Spl. P.P. for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that appellant no. 1 Nuraisha Khatoon is a contestant of *Mukhiya* election and she used to give threatening.



7. Having heard learned counsel for the parties and taking into consideration the fact that there is land dispute between the parties and there is counter case which shows that the occurrence had taken place due to the land dispute and not the malicious feelings of cast, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 01.07.2024 arising out of Obra P.S. Case No. 244 of 2024 is hereby set aside.

8. Let the appellants, above named, in the event of arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Obra P.S. Case No. 244 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J.)

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