

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3612 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- BARBIGHA District- Sheikhpura

1. Tunnu Lal, aged about 52 years (M), son of Late Parshando Prasad, R/O Village- Nasibchak, P.S.- Barbigha, Dist- Sheikhpura.
2. Nilam Devi, aged about 55 years (F), wife of Ram Parvesh Lal, R/O Village- Nasibchak, P.S.- Barbigha, Dist- Sheikhpura.
3. Renu Devi, aged about 45 years (F), wife of Anjani Prasad, R/O Village- Nasibchak, P.S.- Barbigha, Dist- Sheikhpura.

... .. Appellants

Versus

1. The State of Bihar.
2. Sanjay Chaudhary, Male, aged about 39 years, S/O Shankar Chaudhary, R/O Village-Nasibchak, P.S. Barbigha (Mission O.P.), District-Sheikhpura.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Munna Kumar, Advocate
For the Respondent No.2:	:	Mr. Udbhav Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-02-2024 Learned counsel for the appellants is directed to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act'), against the refusal of prayer of anticipatory bail of



the appellants vide order dated 15.07.2023, passed by the learned A.D.J.-Ist-cum-Special Judge, SC/ST Act, Sheikhpura, in A.B.P. No. 607 of 2023, in connection with Barbigha P.S. Case No. 206 of 2023, registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 379 of the I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the SC/ST Act.

4. The prosecution case, in brief, is that on 16.05.2023 at about 8.00 A.M., when the informant was doing work in his house, suddenly the co-accused Vikash Kumar, Tunnu Lal (appellant no. 1), Anjani Prasad, Rambali Prasad, Nilam Devi (appellant no. 2), Roushan Kumar and his mother came there with lathi, danda, paina and abused him by calling his caste name. It is further alleged that the co-accused Vikash Kumar attacked on the informant's head with rod causing eye injury. When his wife and mother came to rescue him, they assaulted them by calling his caste name and also took gold chain and the Mangalsutra from them.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have falsely been implicated in the present case due to ulterior motive. There is general and omnibus allegation against the appellants. There is case and counter case between the parties. The specific



allegation of assault is against the co-accused Vikash Kumar and not against the appellants. There is land dispute also between the parties. It is further submitted that the appellants and the informant are the next door neighbours and the informant and his family members used to make and sell illegal country made liquor in his house and always noising, quarreling and disturbed the appellants and their family members and when the appellants asked to not disturb the family member upon which, the informant and his family members assaulted the appellants' family members and falsely implicated the appellants in the present case. There are several criminal cases pending against the informant. It is further submitted that no member of public was present at the relevant point of time of the alleged occurrence as per the F.I.R. Hence, no offence under SC/ST Act is made out against the appellants. The appellants have clean antecedent as stated in paragraph no. 3 of the memo of appeal.

6. Learned Spl. P.P. for the State and learned counsel for the respondent no. 2 have opposed the prayer for anticipatory bail of the appellants.

7. In view of the aforesaid facts and circumstances of the case, the impugned order dated 15.07.2023, passed by the learned Ist Additional District and Sessions Judge-cum-Special



Judge, SC/ST Act, Sheikhpura, in A.B.P. No. 607 of 2023 in connection with Barbigha P.S. Case No. 206 of 2023, is set aside against the appellants. The criminal appeal is allowed.

8. Accordingly, the above named appellants, in the event of their arrest or 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 the learned Ist Additional District and Sessions Judge-cum-Special Judge, SC/ST Act, Sheikhpura, in connection with Barbigha P.S. Case No. 206 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

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