

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3993 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- NAUTAN District- Siwan

-
1. SURENDRA SHAHI S/O PARAS SHAHI R/O VILLAGE- ANGAUTA, PS. NAUTAN, DIST. SIWAN
 2. RANGNATH SHAHI S/O LATE KAPILDEO SHAHI R/O VILLAGE- ANGAUTA, PS. NAUTAN, DIST. SIWAN
 3. TUNTUN SHAHI S/O PARAS SHAHI R/O VILLAGE- ANGAUTA, PS. NAUTAN, DIST. SIWAN
 4. PANKAJ SHAHI S/O SURENDRA SHAHI R/O VILLAGE- ANGAUTA, PS. NAUTAN, DIST. SIWAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MOSTT. ASHA DEVI W/O LATE KHAJANTI RAM R/O VILLAGE- VISHWAMBHARPUR, PS. NAUTAN, DIST. SIWAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Gajendra Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 08.11.2023, she informed the informant to appear in the present appeal through her counsel, but nobody appears on her behalf.

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 vide order dated



04.08.2023 passed by learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Siwan in connection with Nautan P.S. Case No. 67 of 2023 registered under Sections 341, 323, 435, 504, 506, 34 of the Indian Penal Code and Sections 3(i) (w) (g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the FIR, the informant had got a piece of land from Hathwa Raj in the name of Bauki Devi. There are three huts thereon. On the date of occurrence, all the accused persons being armed with deadly weapons came there and started abusing taking her caste name. On protest, they set the hut on fire due to which a hen and items kept in the hut got burnt.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of abuse levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that the appellants are owner of the land in question. The land possession certificate has also been issued in the name of Satyawanti Kuer, mother of Balmukund Shahi. After partition Rangnath Shahi has also got share and land possession certificate from Anchal office.



This fact is also evident from Annexure 2. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is general and omnibus allegation against the appellants to abuse the informant's side and there is admitted land dispute between the parties, 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 bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Siwan in connection with Nautan P.S. Case No. 67 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

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

