

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4205 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- SC/ST District- Madhepura

SANTOSH SAH SON OF SAHDEV SAH RESIDENT OF VILLAGE-
JEETPUR, WARD NO. 1, PS- SHANKARPUR, DISTT- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. DILIP RISHIDEV SON OF GULAY RISHIDEV RESIDENT OF
VILLAGE- JEETPUR, WARD NO. 1, PS- SHANKARPUR, DISTT-
MADHEPURA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 4 | 04-12-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.2. An order, dated 27.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, Madhepura, in ABP No. 885 of 2023, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with SC/ST Police Station Case No. 14 of 2023 registered for the offence punishable under Sections 341/323/324/504/506/34 of the Indian Penal Code and |
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Sections 3 (1)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 02.05.2023, in the afternoon, while the informant was cleaning grass in his field, in the meanwhile his neighbour, appellant Santosh Sah, along with co-accused, arrived there and abused him by his caste name and said that why the garbage was being thrown in their field.
4. Learned counsel for the appellant submits that the anticipatory bail application of the co-accused Ashok Sah, who was appellant no. 01 at the time of filing this appeal, has already been dismissed as withdrawn.
5. Learned counsel further submits that both the parties are neighbours and there is land dispute between them, which would be evident from the First Information Report itself. The allegation of abuse by caste name is not in full public view and intention of the appellant was not to humiliate the informant.
6. Despite information having been given by learned Special Public Prosecutor, no one appeared on behalf of the



respondent no. 2.

7. Learned Special Public Prosecutor is present and opposes the prayer for anticipatory bail of the appellant.

8. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that occurrence has taken place due to land dispute and the caste name was not taken in full public view and there was no intention to humiliate the informant, I am inclined to grant the appellant privilege of anticipatory bail.

9. This appeal is, accordingly, allowed and the order, dated 27.07.2023, passed by learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Madhepura, in ABP No. 8858 of 2023, is set aside.

10. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, Madhepura, in connection with SC/ST Police Station Case No. 14 of 2023, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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