

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4350 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- PALANWA District- East Champaran

1. PAWAN SINGH S/O LATE RUPNARAYAN SINGH VILLAGE-SHRISHIYA @ SHIRISHIYA NIJAMAT, PS. PALANWA, DIST. EAST CHAMPARAN
2. BHIM YADAV @ MOHAN YADAV S/O LATE BAHADUR YADAV VILLAGE- SHRISHIYA @ SHIRISHIYA NIJAMAT, PS. PALANWA, DIST. EAST CHAMPARAN
3. BHOLA YADAV @ SHUBNARAYAN YADAV S/O HARGUN YADAV VILLAGE- SHRISHIYA @ SHIRISHIYA NIJAMAT, PS. PALANWA, DIST. EAST CHAMPARAN
4. MANU SINGH @ NITESH KUMAR SINGH S/O LATE RAJENDRA SINGH VILLAGE- SHRISHIYA @ SHIRISHIYA NIJAMAT, PS. PALANWA, DIST. EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
5. CHANDANI DEVI W/O PRAMOD PASWAN VILLAGE- SHIRISHIYA, PS. PALANWA, DIST. EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anang Mohan Sinha
For the State	:	Mr. Binay Krishna
For the Respondent-2	:	Ms. Manju Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 12-12-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.2. An order, dated 29.08.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in ABP No. 4122 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, |
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whereby the anticipatory bail application of the appellant in connection with Palanwa Police Station Case No. 21 of 2023 registered for the offence punishable under Sections 447/354B/323/504/506 of the Indian Penal Code and Section 3/4 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 02.01.2023, on the orders of appellant no. 1, other appellants caught hold the hair of the informant and pulled her down, assaulted her, abused by her caste name and also tore her clothes.
4. Learned counsel for the appellants submits that there is land dispute between the brothers of the land holders, namely, Munnalal Shrivastava, Sanjeev Kumar Shrivastava and third brother Rajeev Shrivastava inasmuch as the side of the informant is dealing in the land of Munnalal Shrivastava and after division between the brothers, the side of the appellants started looking after the land of Sanjeev Kumar Shrivastava. He next submits that the present case has been lodged at the behest of Munnalal Shirvastava and his another brother Sanjeev Kumar Shrivastava. He further submits that



allegation of abuse by caste name is at the house of the informant and not in public place, but deliberately in the complaint it has been mentioned that the occurrence has taken place in public place.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that all the appellants arrived at the house of the informant, assaulted her, pulled her down and dragged her outside and abused by her caste name.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be land dispute between the two sides, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 29.08.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in ABP No. 4122 of 2023, is set aside.
8. Let the appellants, above named, in the event of their 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Palanwa Police Station Case No. 21 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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