

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4376 of 2023

Arising Out of PS. Case No.-81 Year-2020 Thana- TISIAUTA District- Vaishali

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1. ABHISHEK KUMAR SON OF SUNDESHWAR SHAH RESIDENT OF VILLAGE - ASWARI, P.S. - TISIAUTA, DISTRICT - VAISHALI
 2. PRITESH KUMAR SON OF CHANDESHWAR SHAH RESIDENT OF VILLAGE - ASWARI, P.S. - TISIAUTA, DISTRICT - VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNIL DAS SON OF LATE DR. BAJRANGI DAS RESIDENT OF VILLAGE - ASWARI, P.S. - TISIAUTA, DISTRICT - VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyameshwar Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 11-12-2024 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 15.07.2023, passed by learned Special Judge SC/ST, Vaishali at Hajipur, in ABP No. 1747 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 Tisiauta Police Station Case No. 81 of 2020 registered for the offence punishable under Sections 341/323/504/506/34 of the Indian Penal Code and



Sections 3(1)(r)(s)/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 05.08.2020, at about 09:30 AM, a written complaint was given to the police that on 17.07.2020, in the morning, while the informant was going to bring fodder for his cattle, the appellants came on the motorcycle and abused by his caste name. When the informant's wife and other family members arrived there, the appellants fled away. It has further been alleged that prior to the incident on 17.07.2020, the appellants had threatened the informant on mobile phone.
4. Learned counsel for the appellants submits that the present First Information Report has been lodged after delay of 20 days from the date of alleged occurrence. From perusal of the First Information Report itself, it would be evident that there was land dispute between the parties and due to land dispute delayed First Information Report has been lodged on the basis of concocted story. He further submits that the litigation regarding the land dispute, which was pending at the time of lodging of the



First Information Report, has also been decided against the informant. He next submits that caste name was not taken by the appellants in full public view. The appellants were given benefit of Section 41(A) of the Code of Criminal Procedure by the police, during the course of investigation and they have co-operated in the investigation. Now, the charge-sheet has been submitted and cognizance has been taken on 02.12.2020.

5. Despite service of information having been given by learned Special Public Prosecutor, no one appeared on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that since cognizance has already been taken, I am not inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, rejected and the order, dated 15.07.2023, passed by learned Special Judge SC/ST, Vaishali at Hajipur, in ABP No. 1747 of 2023, is hereby affirmed.
8. However, it is made clear that if the appellants surrender and seek regular bail, the same shall be considered on its



own merit, if possible on the same date, without being prejudiced to the fact that this Court has rejected the anticipatory bail application of the appellants.

(Anil Kumar Sinha, J)

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