

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4610 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- SC/ST District- Saran

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1. SHIVJI PANDIT SON OF RAMRAJ PANDIT RESIDENT OF VILLAGE- NARAO , PS- AVTARNAGAR, DIST- SARAN AT CHAPRA
 2. MUNNI DEVI WIFE OF SHIVJI PANDIT RESIDENT OF VILLAGE- NARAO , PS- AVTARNAGAR, DIST- SARAN AT CHAPRA
 3. ROHIT KUMAR SHARMA @ ROHIT KUMAR SON OF KRISHNA SHARMA @ KRISHNA KUMAR SHARMA RESIDENT OF VILLAGE- NARAO , PS- AVTARNAGAR, DIST- SARAN AT CHAPRA
 4. SUNIL KUMAR SHARMA @ SUNIL SHARMA SON OF GULABCHAND SHARMA RESIDENT OF VILLAGE- NARAO , PS- AVTARNAGAR, DIST- SARAN AT CHAPRA

... .. Appellant/s

Versus

1. The State of Bihar
2. REETA DEVI WIFE OF MAHESH BAITHA RESIDENT OF VILLAGE- NARAO , PS- AVTARNAGAR, DIST- SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, SPP
For OP 2	:	Awadhesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 30.08.2023 , passed in a case registered for the offence punishable under sections 341 , 323 , 324, 325 , 354B, 379, 504 and 34 of the Indian Penal Code and sections 3 3(i)(r)(s)(w)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act 1989, whereby the prayer for anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, on the alleged date and time of occurrence, while the informant and other family members were at home, in the meantime, all the FIR-named accused persons, including these appellants, came there and surrounded them, assaulted and abused them by caste name.

4. It is submitted on behalf of the appellants that they are innocent and they have falsely been implicated in this case due to ulterior motive. Admittedly, the dispute arose between the parties on account of measurement of land simple marpeet . Injuries allegedly caused by these appellants are simple in nature . It is not the case of the prosecution that any member of public was present at the place of incidence , as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the Spl. P P and OP 2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this appellants only and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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
the learned Exclusive Special Judge, SC/St Act, Saran at
Chapra in connection with SC/ST Saran Police Station Case
No. 09 of 2023 .

(Prabhat Kumar Singh, J)

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