

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4754 of 2023

Arising Out of PS. Case No.-667 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Sk. Jhunnu Son Of Sheikh Ravi Jal @ Samijal Sheikh Resident Of Mohalla- Shayampur Baithaniya, Ps -MAJHAULIYA, District -WEST Champaran
2. Laxman Ram Son Of Shambhu Ram Resident Of Mohalla- Shayampur Baithaniya, Ps -MAJHAULIYA, District -WEST Champaran
3. Munna Mahato @ Munni Lal Mahato Son Of Dhani Mahato @ Dhani Lal Mahato Resident Of Mohalla- Shayampur Baithaniya, Ps -MAJHAULIYA, District -WEST Champaran
4. Umesh Ram @ Rajesh Ram Son Of Late Heera Lal Resident Of Mohalla- Shayampur Baithaniya, Ps -MAJHAULIYA, District -WEST Champaran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ranjan Kumar Son Of Vinod Paswan Resident Of Mohalla- Baithaniya, Ward No. 6, Ps- Majhauliya, Distt- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-01-2024 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

2. 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 for anticipatory bail of the appellants vide order dated 20.09.2023 passed by



the learned Additional District and Sessions Judge, 1st, cum Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with A.B.P. No. 2439 of 2023 (arising out of Majhauriya P.S. Case No. 667 of 2023) registered for the alleged offences under Sections 341, 323, 324, 447, 379, 354B, 327, 504 read with 34 of the Indian Penal Code and Sections 3(i)(r)(s), 2(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, all the appellants including the co-accused persons abused and assaulted the informant. The appellant no.1 *Sheikh Jhunnu* assaulted the informant on his head with iron rod. When his sister came to save him then the co-accused *Barister Yadav* assaulted her with *farsa* on his head and when his mother came to save, the co-accused *Kiran* assaulted her mother. It is further alleged that petitioner no.4 *Umesh Ram* tore *saree* and blouse of the informant's mother. The co-accused *Santosh Yadav* snatched gold chain from the neck of the informant's sister.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated



in this case. There is general and omnibus allegation against the appellants. Learned counsel has further submitted that there is land dispute between the parties. It is further submitted that there case and counter case between the parties. It is further submitted that as per F.I.R., there is no casteist remark against the petitioners. Learned counsel has further submitted that no member of public was present at the relevant point of time of the incident. There is no allegation of hurling of caste related abuse at the informant by the appellants hence no case is made out under Section SC/ST Act. The appellant no. 2 has no criminal antecedent whereas appellant nos. 1, 3 and 4 have one criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants is made out against the appellants, the impugned order dated 20.09.2023 passed by the learned Additional District and Sessions



Judge, 1st, cum Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with A.B.P. No. 2439 of 2023 (arising out of Majhauriya P.S. Case No. 667 of 2023), is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st, cum Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with A.B.P. No. 2439 of 2023 (arising out of Majhauriya P.S. Case No. 667 of 2023), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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