

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5065 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SC/ST District- Lakhisarai

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1. MANOJ RAM S/O LATE RAMSWARUP RAM VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI
 2. KARTIK RAM @ KARTIK KUMAR S/O ANUJ RAM VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI
 3. ANUJ RAM S/O LATE MAHTABI RAM VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI
 4. MANTU RAM @ RAMCHARIT RAM @ RAM UCHIT RAM S/O BECHAN RAM VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI
 5. BECHAN RAM S/O SITA RAM VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SHRAVAN RAJAK S/O CHANDRADEV RAJAK VILLAGE- MAHISONA, PS. TETARHAT, DIST. LAKHISARAI

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Mayank Bilochan, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2024 Heard learned counsel for the appellants and learned Special PP for the State assisted by learned counsel for the respondent no.2.

2. At the very outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellant nos. 2 & 4 submitting that during pendency of this appeal appellant nos.2 and 4 have already been apprehended.



3. Permission is granted.

4. Accordingly, this appeal is dismissed as withdrawn in respect of appellant nos. 2 and 4 only.

5. Now, this appeal survives only for appellant nos.1, 3 and 5.

6. 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 of anticipatory bail vide order dated 10.10.2023 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Lakhisarai in connection with SC/ST P.S. Case No. 59 of 2023 registered under Sections 341, 323, 308, 427, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) / 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. All the F.I.R. named accused persons including these appellants armed with deadly weapons are said to have assaulted the informant on the protest made by her on slating her. They also snatched mobile, cash and golden chain from her.

8. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to



dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. It is further submitted that in fact there is land dispute between the parties for the way and in this regard a panchayati was held in presence of Mukhiya, Prakhanda Pramukh and so many people of the panchayat and after measuring the land the dispute was resolved on 04.07.2023. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. Learned counsel for the appellants also relied upon the judgment in the case of **Hitesh Verma Vs. State of Uttarakhand and another** reported in **(2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

9. Learned Spl. PP for the State assisted by learned counsel for the respondent no.2 vehemently opposed the prayer for bail.

10. In the facts and circumstances of the case as well as the fact that there is admitted land dispute between the parties, let the above named appellant nos.1, 3 & 5, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No.59/2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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