

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5379 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- SC/ST District- Patna

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1. Uday Kumar Son Of Late Narayan Mahto R/O Mohalla- Terhighat, P.S.- Khajekalan, District- Patna
 2. Bala Jee @ Bala Jee Kumar Son Of Uday Kumar R/O Mohalla- Terhighat, P.S.- Khajekalan, District- Patna
 3. Nishu Kumar @ Nishu Raj Son Of Sri Manohar Prasad R/O Mohalla- Terhighat, P.S.- Khajekalan, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Kumar Son Of Lal Babu Gupta R/O Chandra Mahram Ka Garh, Noon-A-Chouraha, P.S.- Khajekalan, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2024 1. Heard learned counsel for the appellants 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 referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 2-11-2023 in A.B.P. No. 10295/2023 passed by the learned Exclusive Special Judge/ Court S.C./S.T. Act, Patna in connection with SC/ST P.S. Case No. 04 of 2023 registered for the offences punishable under Sections 447, 448, 147, 149, 341,



342, 323, 504, 506, 427 and 384 of the Indian Penal Code as well as Section 3(1)(r)(s)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case by the informant. It is next submitted that Appellant No. 3 herein, along with Kanhai had filed a Title Partition Suit No. 198 of 2022 in which Shankar and Santosh along with others, were defendants. It is further submitted that the land which has been purchased by the informant is also a subject matter of dispute in Title Partition Suit No. 198 of 2022. It is thus submitted that since Shankar and Santosh had sold the land in favour of OP No. 2 without partition, as such, the present false case came to be instituted against the appellants in order to coerce them into submission so that the land which the informant has purchased, is deleted from the title partition suit. It is next submitted that the appellants herein are related to Shankar and Santosh also. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest *prima facie*, no offence under the SC/ST Act is made out, rather on account of dispute relating to property, the present false case has been instituted, and the allegation of extortion is ornamental.

4. Learned Spl. P.P. for the State opposes the prayer



for anticipatory bail of the appellants and submits that if what has been submitted by the learned counsel for the appellants is true, in that event, the police after investigation will submit final form, but then the learned counsel for the appellants rebuts the submission and submits that when a case is instituted under the SC/ST Act, the police starts investigating mechanically.

5. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

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