

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.872 of 2024

Arising Out of PS. Case No.-341 Year-2023 Thana- MEHSI District- East Champaran

LALBABU SRIVASTAVA S/O LATE RAMBAHADUR LAL R/O
VILLAGE- VISHAMBHARPUR, PAHARI, P.S- MEHSI, DISTT.- EAST
CHAMPARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANJU DEVI W/O MAHESH RAM R/O VILLAGE- MAJHAULIYA, P.O
AND P.S- MEHSI, DISTT.- EAST CHAMPARAN.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subodh Kumar Barnwal
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 17-12-2025 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the SC/ST Act.
2. An order, dated 08.01.2024, passed by learned Special
Judge SC/ST Act, East Champaran Motihari, in ABP No.
6145 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 Mehshi (Jai Bajrang O.P.) Police
Station Case No. 341 of 2023 registered for the offence
punishable under Sections
341/323/324/379/385/386/504/506/34 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 the informant purchased a piece of land in the name of her son, namely, Ravi Ranjan Kumar, and constructed a house. The appellant and other accused persons, due to purchase of land by the informant, used to abuse the informant and her family members. On 06.10.2023, at about 09:00 AM, in the morning, all the FIR named accused persons armed with various weapons abused the labours hired by the informant and threw them away. Upon objection by the informant, all the accused persons started assaulting by means of lathi, danda, farsa, etc. It has further been alleged that the appellant tore the clothes/saree of the informant.
4. Learned counsel for the appellant submits that the appellant is aged about 75 years and the present case has been lodged due to land dispute going on between the parties. He next submits that the appellant filed a partition suit, bearing Partition Suit No. 566 of 2023, and also a complaint case, bearing Complaint Case No. C1710 of



2023, against the husband of the informant. On the date of occurrence, the informant's side was forcefully fencing the land of the appellant. He further submits that there is no specific allegation of assault against the appellant and only ornamental allegation that he tore the informant's saree is there. Fabricated case has been lodged due to land dispute between the parties.

5. Learned counsel for the Special Public Prosecutor opposes the prayer for anticipatory bail application.
6. Despite service of notice and information, no one appeared on behalf of the respondent no. 2.
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the appellant is aged about 75 years, land dispute is pending between the appellant and the informant, I am inclined to grant the appellant privilege of anticipatory bail.
8. This appeal is, accordingly, allowed and the order, dated 08.01.2024, passed by learned Special Judge SC/ST Act, East Champaran Motihari, in ABP No. 6145 of 2023, is set aside.
9. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released 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 learned Special Judge SC/ST
Act, East Champaran Motihari, in connection with Mehshi
(Jai Bajrang O.P.) Police Station Case No. 341 of 2023,
subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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