

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2055 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- KALYANPUR District- East Champaran

Ashutosh Sah @ Ashutosh Kumar Son of Pramod Sah @ Pramod Pd. Sah
R/O Village- Bahuara Haribansh, P.S. Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Das Son of Late Gajar Das R/O Village- Bahuara Haribansh, P.S. Kalyanpur, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar No. III
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 07-01-2025 1. Heard learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. An order, dated 02.04.2024, passed by learned Special Judge SC/ST Act, East Champaran Motihari, in ABP No. 1312 of 2024, 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 Kalyanpur Police Station Case No. 16 of 2024 registered for the offence punishable under Sections 147/149/341/323/324/354B/379/504/506 of the Indian Penal Code and Sections 3(1)(r)(s) 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 on 13.01.2024, in the morning, while the informant was constructing a wall, appellant, along with other accused persons, total 13 in numbers and 10 other unknown persons, arrived there started abusing him. Upon protest, the accused persons abused the informant by his caste name and the appellant, along with co-accused Pramod Sah assaulted him by means of iron rod. Thereafter, other accused persons also assaulted the appellant and snatched some valuable articles and money.
4. Learned counsel for the appellant submits that the appellant, along with other accused persons, have been made accused due to land dispute between the parties in which a proceeding under Section 144 of the Code of Criminal Procedure was initiated by the father of the appellant over the land situated at Khata No. 103, Plot No. 2476 having an area of 3 Dhur. He further submits that despite prohibitory order passed under Section 144 of the Code of Criminal Procedure, the side of the informant tried to demolish the boundary wall erected by the



appellant side, which was prevented by them, but they were assaulted by the informant and others for which Kalyanpur Police Station Case No. 15 of 2024 was lodged against the prosecution side on 13.01.2024. He next submits that for an occurrence which has allegedly taken place on 13.01.2024, the present First Information Report has been lodged by the respondent no. 2 on 16.01.2024, which is in counter-blast to the First Information Report lodged by the appellant's side on 13.01.2024 itself.

5. On the other hand, learned counsel for the respondent no. 2 vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation of assault against the appellant and other accused persons and land dispute which is there is not between the appellant and respondent no. 2, but with other accused persons.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be land dispute between the parties, the caste name was not taken in full public view, First Information Report lodged by the side of the appellant is prior in time and there is three days delay in lodging the First Information Report, I am inclined to grant the appellant



privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 02.04.2024, passed by learned Special Judge SC/ST Act, East Champaran, Motihari, in ABP No. 1312 of 2024, is set aside.
8. 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 learned Special Judge SC/ST Act, East Champaran, Motihari, in connection with Kalyanpur Police Station Case No. 16 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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