

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2064 of 2024

Arising Out of PS. Case No.-717 Year-2023 Thana- TAJPUR District- Samastipur

=====

Munna Kumar @ Munna Kumar Mahto S/o Mahavir Mahto R/o vill -
Mahamadpur, P.S. - Tajpur (Halai O.P.), Distt. - Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Moni Devi W/o Biraju Kumar Choudhary R/o vill - Mahamadpur, P.S. -
Tajpur (Halai O.P), Distt. - Samastipur

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Surya Roy, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-02-2025 Despite valid service of notice, none appears on
behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 01.04.2024 passed by learned Special Judge (SC &
ST), Samastipur in ABP No. 953 of 2024 in connection with
Tajpur (Halai OP) P.S. Case No. 717 of 2023, instituted under
Sections 447, 341, 323, 354(B), 427, 504, 506/34 of the Indian
Penal Code and Sections 3(i)(r)(s)(w)(g)/3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, whereby the prayer for anticipatory bail of



appellant has been rejected.

4. Prosecution case, in brief, is that on 7.11.2023 at about 9 PM, this appellant along with other F.I.R. named accused persons was forcibly harvesting crop on the field of informant and when informant opposed, all the accused persons abused him by caste name, assaulted and threatened to kill him.

5. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, there is *bona fide* land dispute between the parties. Informant had purchased the land bearing khata No. 218 plot No. 96 from one Sukani Devi who had no concern with the said land and the same was in peaceful possession of family members of appellant. He further submits that family members of the appellant have also filed Title Suit No. 383 of 2023 in which Sukani Devi was made defendant No. 3 and during pendency of the same, informant purchased the said land and tried to take possession over the land as a result of which scuffle took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus. It is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against



appellant. Appellant claims clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC & ST), Samastipur in connection with Tajpur (Halai OP) P.S. Case No. 717 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 01.04.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

