

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2118 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SC/ST District- Begusarai

1. Rajesh Sahu @ Banshi Sahu @ Rajesh Kumar Son of Late Ram Charitra Sahu R/O Village- Mahna, Police Station- Barauni District- Begusarai.
2. Ranjeet Sahu Son of Late Ram Charitra Sahu R/O Village- Mahna, Police Station- Barauni District- Begusarai.
3. Shiv Shankar Sahu Son of Late Ram Charitra Sahu R/O Village- Mahna, Police Station- Barauni District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar

2. Shravan Kumar Choudhary, s/o late Faudhari Choudhary, r/o vill-Mahnar, PO-Mahnar ward no. 6, PS- Barauni, Dist-Begusarai (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeet Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-02-2025 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order dated 03.04.2024, passed by learned Exclusive Special Judge, SC/ST Act, Begusarai in A.B.A. No. 469 of 2024, is under challenge in the present appeal preferred under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with SC/ST Police Station Case No. 03 of 2024 registered for the offences punishable under Section 307 and other allied



sections of the Indian Penal Code and Sections 3(1)(r)(s)/ 3(2) (Va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 09.01.2024 in the morning, the appellants along with other accused persons, total 07 in numbers, due to land dispute, assaulted the informant with bricks, stone, iron rod etc. It has also been alleged that due to assault, the informant has suffered fracture on his leg.

4. Learned Counsel appearing on behalf of the appellants submits that entire family members of the appellants have been made accused and all the appellants are own brothers. There is admitted land dispute between the parties, as would be evident from First Information Report itself. He further submits that the Police, after investigation, exonerated four accused persons and submitted charge-sheet against the appellants but cognizance of offence has not been taken by the In-charge Court, as yet.

5. No one appears on behalf of respondent no. 2, however learned Spl.P.P. for the State opposed the prayer for anticipatory bail and submits that all the accused persons assaulted the informant with weapons, due to land dispute.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties and injury caused to the informant is simple in nature, as would be evident from Annexure- P/2 annexed to the present petition, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, this appeal is allowed and the order dated 03.04.2024, passed by learned Exclusive Special Judge, SC/ST Act, Begusarai in A.B.A. No. 469 of 2024, is set aside.

8. Let the appellants, above named, 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 Exclusive Special Judge, SC/ST Act, Begusarai in A.B.P. No. 469 of 2024 arising out of SC/ST PS Case No. 03 of 2024.

(Anil Kumar Sinha, J)

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