

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2331 of 2024

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

1. Amarnath Mahto Son of Basant Lal Mahto R/O Village Mahmadpur, P.S. Halai O.P, Tajpur P.S, district- Samastipur, Bihar
2. Lal babu Mahto S/O Late Santlal Mahto R/O Village Mahmadpur, P.S. Halai O.P, Tajpur P.S, district- Samastipur, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Moni Devi W/O Biraju Kumar Choudhary R/O village- Mahmadpur, P.S.- Halai O.P, tajpur City, District- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Gaurav Kumar Verma, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-05-2025 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the Respondent No. 2.

2. This appeal has been filed for setting aside order dated 01.04.2024, passed in a case registered for the offence punishable under Sections 447, 341, 323, 354B, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w), 3(1)(g) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.



3. The prosecution case, in brief, is that on 07.11.2023 at about 9 PM, all the F.I.R. named accused persons, along with these appellants, were 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.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have 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 these appellants. He further submits that family members of these appellants 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. Similarly situated co-accused person, namely Munna Kumar, has already been granted the privilege of



anticipatory bail by this Hon'ble Court vide order dated 13.02.2025 passed in Cr. App. (SJ) No. 2064 of 2024. It is not the case of the prosecution that any member of public was present at the alleged incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. On the other hand, learned Special PP for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 01.04.2024 passed by the learned Special Judge, SC/ST Act, Samastipur in connection with A.B.P. No. 112 of 2024 arising out of Tajpur (Halai O.P.) P.S. Case No. 717 of 2023 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Special Judge, SC/ST (POA) Act, Samastipur in
connection with Tajpur (Halai O.P.) P.S. Case No. 717 of 2023.

(Prabhat Kumar Singh, J)

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