

Arising Out of PS. Case No.-4 Year-2021 Thana- PAHARPUR District- East Champaran

- Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Dhannjay Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP
For respondent No. 2 : Mr. Rajesh Kumar , Advocate

4 20-02-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 16.03.2024 passed in a case registered for the offence punishable under sections 341 , 323 , 379, 504 and 34 of the Indian Penal Code and sections 3(2)(v)/ / 3(1)(viii)/3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.



3 . As per the prosecution case , on 24.12.2020, when informant was returning home after keeping her buffalo on her land, in the meantime , all the accused persons including these appellants asked her to remove her buffalo and on objection , all the accused persons assaulted and abused informant by caste name and also took away locket worth Rs. 5000/- from informant.

4. It is submitted on behalf of these appellants that these appellants are innocent and have committed no offence as alleged. There is admitted land dispute between both the parties due to which a simple altercation took place between them and taking advantage of the situation this false and concocted case has been lodged against these appellants. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Act East Champaran at Motihari in connection with Paharpur Police Station Case No. 04 of 2021 .

(Prabhat Kumar Singh, J)

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