

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4675 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- GADHPURA District- Begusarai

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1. SANJU DEVI W/o Shashi Kapoor Singh @ Shashi Kapur Singh Resident of Village - Kanoushi, Ward no.04, Dunahi, P.s.- Gadhpura, Distt.- Begusarai.
 2. SHASHI KAPOOR SINGH @ SHASHI KAPUR SINGH Son of Shiblochan Singh Resident of Village - Kanoushi, Ward no.04, Dunahi, P.s.- Gadhpura, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. SUMITRA DEVI W/o Late Dorai Das Resident of Village - Kanoushi, Ward no.04, Dunahi, P.s.- Gadhpura, Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 06-02-2025 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.

2. An order, dated 24.09.2021, passed by learned Special Judge, SC/ST (PoA) Act, Begusarai, in ABP No. 1250 of 2021, 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 appellants in connection with Gadhpura Police Station Case No. 60 of 2020 registered for the offence punishable under Sections 323, 341, 324, 504, 506, 34 of the Indian Penal Code and Section 3 (i)(r)(s)(w) II of the Schedule



Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. As per the FIR, on 15.07.2020, the appellants were cutting the soil near the boundary wall of the informant and when the grandson of the informant went to stop them from cutting the soil, the appellants assaulted the informant's grandson. When the informant intervened, the appellants gave spade blow due to which informant sustained injury on her hand.

4. Learned counsel for the appellants submits that both the parties are neighbors and the dispute between them arose due to cutting of the soil. There is no allegation of abusing the informant by caste name. The injury caused to the informant is simple in nature as stated in paragraph 9 of the appeal. The appellants were given benefit of Section 41A Cr.P.C. but now the charge sheet has been submitted and appellants have apprehension of arrest.

5. No one appears for the State as well as O.P. No. 2.

6. Having regard to the submissions made on behalf of the learned counsel for the appellants and taking into consideration the nature of allegation and the fact that there is no allegation against the appellants of abusing by caste name



and the injuries sustained by the informant are simple in nature, I am inclined to grant the appellants privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated dated 24.09.2021, passed by learned Special Judge, SC/ST (PoA) Act, Begusarai, in ABP No. 1250 of 2021, is set aside.

8. Let the appellants, above named, in the event of their 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 Special Judge, SC/ST (PoA) Act, Begusarai, in connection with Gadhpura Police Station Case No. 60 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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