

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5620 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- SHAHPUR District- Patna

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1. Uday Rai @ Uday Kumar S/o Sanjay Rai R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA
 2. VINAY RAI S/O SANJAY RAI R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA
 3. RAHUL KUMAR S/O SANJAY RAI R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. MANJU DEVI W/O MAMTA CHAUDHARY R/o VILLAGE-USARI, POST-SIKARPUR,P.S-SHAHPUR, DISTRICT-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 17-12-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 10.11.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in ABP No. 9020 of 2023, 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 appellant in connection with Shahpur Police Station Case No. 520 of 2023 registered for the offence punishable under



Sections 143/341/323/324/307/354/504/506/379 of the Indian Penal Code and Sections 3(1)(r)(s) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 02.08.2023, in the morning, while the informant was working with her relative in the field of one Parmeshwar Kumar, in the meanwhile, the appellants along with co-accused persons, armed with lathi came there and abused the informant in her caste name. It has further been alleged that co-accused Sanjay Rai assaulted the informant by means of spade and other accused persons snatched jitiya and tore the clothes of the informant also.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to land dispute between the appellants and their agnates. He next submits that series of cases have been lodged against the appellants by their agnates and from side of the appellants also cases have been lodged against their agnates and one of the cases is Shahpur Police Station Case No. 57 of 2023. He further submits that field



in which the informant was allegedly working belongs to the friend of agnates of the appellants and on behest of the agantes of the appellants, with whom there is admitted land dispute, the present First Information Report has falsely been lodged. The co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 5584 of 2023.

5. Learned counsel for the Special Public Prosecutor for the SC/ST Act opposes the bail application on the ground that the allegation against the appellants is there in the First Information Report that they abused the informant in her caste name.
6. Despite service of notice and information, no one appeared on behalf of the respondent no. 2
7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the appellants and their family members (agnates), series of litigation due to land dispute is pending between them and according to the appellants the present FIR has been lodged at the behest of their agnates and similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of



this Court, I am inclined to grant the appellants privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 10.11.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in ABP No. 9020 of 2023, is set aside.
9. 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 Exclusive Special Court, SC/ST Act, Patna, in connection with Shahpur Police Station Case No. 520 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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