

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.117 of 2024

Arising Out of PS. Case No.-110 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Asha Kuvar W/o Late Lallu Singh Resident of Village- Madurana, P.O.- Hata, P.S.- Hata, District- Kaimur.
2. Sitaram Singh Son of Ranglal Singh Resident of Village- Madurana, P.O.- Hata, P.S.- Hata, District- Kaimur.
3. Shrikant Singh Son of Ranglal Singh Resident of Village- Madurana, P.O.- Hata, P.S.- Hata, District- Kaimur.
4. Anil Singh S/o Ranglal Singh Resident of Village- Madurana, P.O.- Hata, P.S.- Hata, District- Kaimur.
5. Ghunu Singh @ Ghanshyam Singh S/o Ranglal Singh Resident of Village- Madurana, P.O.- Hata, P.S.- Hata, District- Kaimur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rukmina Devi W/o- Somaru Musahar Resident of Village- Awakhara, P.S.- Chainpur, District- Kaimur.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Ashok Kumar Garg, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-07-2025 Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 10.10.2023 passed in a case registered for the offence punishable under Sections 341, 323, 354B, 307 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 09.08.2016, informant got executed a sale deed from father of Appellant No. 2 to 6, namely Ranglal Singh, and she came in possession over a land. It is alleged that on 08.09.2017, when she was cleaning the paddy crop in her field, Appellant Nos. 2 to 6 came there armed with gun and tried to remove the informant from her field. It is further alleged that they also assaulted her with butt of gun, abused her by caste name and snatched her earrings.

5. 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, Appellant No. 2 has lodged a F.I.R. bearing Chand P.S. Case No. 60 of 2017 on 24.03.2015 against informant and others and in retaliation, this false and concocted case has been lodged only with a view to save their skin from the aforesaid case. Appellants have falsely been implicated in this case due to admitted land dispute. There are general and omnibus allegations. The entire family members have been made accused in this case only with a view to harass



and humiliate them. It is further submitted that as per F.I.R., the alleged occurrence occurred on 09.08.2016 while the complaint petition was filed on 11.09.2017 and the present F.I.R. has been instituted after inordinate delay of more than 5 and half years on 12.05.2023. It is not the case of the prosecution that any member of public was present at the place of occurrence 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.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 10.10.2023 passed by the learned Special Court Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Kaimur at Bhabua in connection with A.B.P. No. 1443 of 2023 arising out of Chainpur P.S. Case No. 110 of 2023 is hereby set aside with respect to these appellants only.

8. 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 learned Special Court Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 110 of 2023.

(Prabhat Kumar Singh, J)

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