

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4814 of 2024

Arising Out of PS. Case No.-41 Year-2017 Thana- SC/ST District- Bhagalpur

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1. Rajendra Sharma Son of Late Naayan Sharma @ Narayan Sharma @ Narayan Prasad Sharma R/O Vill.- Fulbariya, P.S.- Jagdishpur, Dist.- Bhagalpur
 2. Bhanu Sharma Son of Late Naayan Sharma @ Narayan Sharma @ Narayan Prasad Sharma R/O Vill.- Fulbariya, P.S.- Jagdishpur, Dist.- Bhagalpur
 3. Tripurari Sharma Son of Late Naayan Sharma @ Narayan Sharma @ Narayan Prasad Sharma R/O Vill.- Fulbariya, P.S.- Jagdishpur, Dist.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Fuldeo Mehtar Son of Late Lakshman Mehtar R/O Vill.- Fulbariya, P.S.- Jagdishpur, Dist.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 27-07-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Shri Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12-9-2024 in A.B.P. No. 2126 of 2024 passed by the learned Additional District and Sessions Judge 3rd-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with



Bhagalpur SC/ST P.S. Case No. 41 of 2017 registered for the offences punishable under Sections 341, 323, 504, 506, 427 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s)/3(2) (va) of the SC/ST Act.

3. Learned counsel for the appellants submits that from perusal of the office report dated 23-7-2026, it would manifest that the notice has been received by one Shambhu. It is also submitted that informant during pendency of the instant appeal left for heavenly abode.

4. Learned counsel for the appellants next submits that appellants are persons with clean antecedent and the informant alleges that he retired from Akashwani and after retirement purchased land, and the accused persons including the appellants wanted to grab his land, further on 13-5-2017 at 9 am the appellants were putting a khoonta on his land, on objection ,appellants and Vishundeo pushed him causing sprain in the leg and abused by taking caste name while Bhanu and Tripurari harvested the vegetables and assaulted his son, the informant gave written complaint to the police but no FIR was instituted hence a complaint was filed based on which cognizance came to be taken.

5. Learned counsel for the appellants submits that



appellants have been falsely implicated in the instant case on account of dispute relating to land. It is next submitted that the land was purchased by the father of the appellant by a registered sale deed dated 30-6-1997 from Nityanand Dubey. It is also submitted that TS No. 603 of 2015 was filed by the appellants against the informant in the court of learned Sub-Judge-12, Bhagalpur, which is pending adjudication. It is also submitted that as far as allegation of abuse is alleged, the same is general and omnibus in nature as it does not appear probable that all accused in one go would have abused the informant by taking caste name. It is next submitted that if privilege of anticipatory bail is granted, the appellants will not abscond rather will cooperate in the trial to prove their innocence.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants and submits that cognizance has been taken.

7. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but since cognizance has been taken as such the appeal is disposed of with a direction the appellants to surrender before the learned trial court on 6-8-2026.

8. It is made clear that if appellants surrender on 6-08-



2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind the fact that in backdrop of a land dispute, the complaint came to be instituted and allegation of abuse is not specific and also keeping in mind the observations of this court as recorded hereinabove.

9. The appeal stands disposed of.

(Satyavrat Verma, J)

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