

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1835 of 2023**

Arising Out of PS. Case No.-317 Year-2022 Thana- ATHMALGOLA District- Patna

1. PRAVESH RAM @ RAM PRAVESH RAM Son of Danger Ram Resident of Suryapura Karjan, P.S.- Athmalgola, District - Patna.
2. Dhananjay Kumar Son of Pravesh Ram @ Rampravesh Ram Resident of Suryapura Karjan, P.S.- Athmalgola, District - Patna.
3. Chhotu Kumar Son of Naresh Ram Resident of Suryapura Karjan, P.S.- Athmalgola, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Das Son of Late Bal Govind Das Resident of village - Suryapura Karjan, P.S.- Athmalgola, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 22-11-2023 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about his appearance in the appeal but nobody appears on his behalf.

3. This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated



04.01.2023, passed by learned Exclusive Special Court, SC/ST Act, Patna, in connection with Athmalgola P.S. Case No.317 of 2022, registered u/s 341, 323, 324, 504, 506, 509, 379/34 of the IPC and sections 3(i)(r)/ 3(1)(s) 3(2)(va) of the SC/ST Act.

4. As per F.I.R., all the FIR named accused persons including the appellants entered in the house of the informant and started abusing him and when the informant came out of his house, they assaulted him and his wife.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not taken place in the public view. There is general and omnibus allegation against all the accused persons to abuse the informant by taking caste name. There is an admitted land dispute with regard to common passage. Appellant no.5 has one criminal antecedent and rest of the appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since



there is land dispute between the parties for common passage, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna, in connection with Athmalgola P.S. Case No.317 of 2022, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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