

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.624 of 2020**

Arising Out of PS. Case No.-386 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

ANIL CHAUBEY Son of Shashi Kant Chaubey, Resident of Village-
Dhadhaniya, P.S.- Bhabhua, District- Kaimur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pawan Kumar Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 05-03-2021 Heard learned counsel for the appellant and learned
Special P.P.

The appellant filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 17.01.2020 passed in A.B.P. No.51 of 2020 by which the learned Additional Sessions Judge 1st-cum-Special Court, Kaimur at Bhabua rejected the prayer for grant of anticipatory bail of the appellant in Bhabua P.S. Case No.386 of 2019 registered under Sections 341, 323, 504 and 34 of the I.P.C. and under Sections 3(1)(r)(s) of the SC/ST (POA) Act.

The informant alleged that he has been coming in possession of plot no.76, khata no.51, chak khata no.80, chak plot no.3 total area of 1.15 acres since long. While he was sitting on the ridge of the aforesaid land, the appellant along with his



two friends came, abused him and assaulted by naming his caste. On alarm, many persons came there but the appellant and others fled away.

Learned counsel for the appellant submits that the title of the appellant over the disputed land has been declared vide judgment and decree passed in Title Suit No.229 of 2012. The informant has been litigating with the appellant for last 15 years. A proceeding under Section 144 of the Cr.P.C was initiated apprehending the breach of peace between the two sides. The police during the course of investigation granted benefit of Section 41A of the Cr.P.C. to the appellant but since the offences alleged to have been committed by the appellant are non-bailable and the appellant apprehends his arrest, he filed his anticipatory bail.

Learned Special P.P. very fairly submitted that on the face of it, it appears that the dispute is with regard to the land and on account of such, the case has been lodged.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, the order dated 17.01.2020 is set aside. The appeal is allowed. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of four weeks



from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Court, Kaimur at Bhabua in A.B.P. No.51 of 2020 arising out of Bhabua P.S. Case No.386 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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