

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.546 of 2022

Arising Out of PS. Case No.-227 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. BADRUL HUSNAIN @ BADRUL HUSSAIN @ SAYED BADRUL HUSNAIN SON OF LATE TAHZIBUL HUSNAIN R/O - WARD NO.8, AZAD CHOWK, TAJPUR ROAD, P.S.- SAMASTIPUR (TOWN), DISTRICT- SAMASTIPUR
 2. SYED SADRUL HUSNAIN @ SADRUL HUSSAIN SON OF LATE TAHZIBUL HUSNAIN R/O - COTTAGE 5- STAR, WARD NO.8, AZAD CHOWK TAJPUR ROAD, P.S.- SAMASTIPUR (TOWN), DISTRICT- SAMASTIPUR
 3. ARUN KUMAR RAI @ ARUN RAI SON OF MAHENDRA ROY R/O MOHALLA- DHARAMPUR, TAJPUR ROAD, P.S.- SAMASTIPUR (TOWN), DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. LATE KUSHESHWAR PASWAN THROUGH HIS LEGAL HEIR/SON NAMELY RANJIT PASWAN SON OF LATE KUSHESHWAR PASWAN R/O VILLAGE- DHARAMPUR, P.S.- SAMASTIPUR (TOWN), DISTRICT- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rohit Raj
For the Respondent/s	:	Mr. Sadanand Paswan Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-12-2022 Heard the parties.

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 25.01.2022, passed by learned Special Judge SC/ST



(POA) Act, Samastipur, registered under sections 323, 341 and 504 of the Indian Penal Code and 3(1)(r) and 3(1)(s) of S.C./S.T. Act.

Allegedly, the appellants alongwith 15-20 unknown accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties and a title suit no.39 of 2018 has been filed by the appellant no.1 against prosecution parties in the court of Sub Judge 1, Samastipur. Appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.



Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is a land dispute between the parties, 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 Special Judge SC/ST (POA) Act, Samastipur in connection with C.R. No.227 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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