

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1667 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- SC/ST District- Muzaffarpur

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1. PUNYADEO SINGH S/O LATE SHIVBALAK SINGH RESIDENT OF VILLAGE SAHPUR PATTI, P.S-SAHEBGANJ, DISTRICT-MUZAFFARPUR.
 2. MOHAN SINGH S/O PUNYADEO SINGH RESIDENT OF VILLAGE SAHPUR PATTI, P.S-SAHEBGANJ, DISTRICT-MUZAFFARPUR.
 3. VIJAY SINGH S/O PUNYADEO SINGH RESIDENT OF VILLAGE SAHPUR PATTI, P.S-SAHEBGANJ, DISTRICT-MUZAFFARPUR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Sarswati Devi Hira Ram Resident of Village-Husepur Naya Tola, P.S.-Sahebganj, District-Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mrs. Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-12-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Office pointed out that notice has been validly served upon the respondent no.2, but nobody appears on her behalf.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 12.01.2021, passed by learned Special Judge, (SC/ST) Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case



no.05 of 2020, registered under sections 341, 323, 379, 380, 354, 420, 120(B) and 504/34 of the IPC and sections 3(1)(r)(s)& 3(2)(V)(a) of the SC and ST Act.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have not committed any offence. They have been falsely implicated in the present case due to ulterior motive. The allegation levelled against the appellants is rather general and omnibus in nature. There is no specific overt act against the appellants. There is an admitted land dispute between the parties, which is also clear from the complaint petition. Relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 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 opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, as 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, is directed to 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) Act, Muzaffarpur in connection with Muzaffarpur SC/ST P.S. Case no.05 of 2020, 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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