

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1666 of 2021

Arising Out of PS. Case No.-28 Year-2019 Thana- PARSA District- Saran

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1. Rakesh Kumar Son Of Raj Kishore Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).
 2. Pawan Kumar @ Pawan Kumar Singh Son Of Raj Kishore Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).
 3. Chunmun Kumar @ Chunnu Kumar Son Of Raj Kishore Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).
 4. Asha Devi Wife Of Raj Kishore Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).
 5. Raj Kishore Singh Son Of Late Ram Ekbal Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).
 6. Shiv Kumar Singh Son Of Late Raghunath Singh Resident Of Village - Pokharpur, P.S. - Parsa, District - Saran At Chapra (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Ram Late Bipat Ram R/o Village- Pokharpur Babhangawan P.S.- Parsa, District- Saran At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 18.10.2022, counsel for the State was
directed to inform the informant.

Learned counsel for the State submits that he has
informed the informant through concerned SP but nobody
appears on behalf of the respondent no. 2.

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 bail vide order dated 24.11.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Parsa P.S. Case No. 28 of 2019, registered under Sections 341, 447, 323, 504, 506, 34 of the IPC and Sections 3(i) (r) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is no specific allegation against the appellants to abuse the informant by taking caste name. Learned counsel for the appellants further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail



bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Parsa P.S. Case No. 28 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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