

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1702 of 2021

Arising Out of PS. Case No.-70 Year-2018 Thana- KURTHA District- Jehanabad

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1. MITHILESH SHARMA @ MITHLESH SHARMA SON OF PARAMHANSH SHARMA Resident of Village - Utarava, P.S.- Kutha, Distt.- Arwal.
 2. UPENDRA SHARMA SON OF LATE KAMLESHWAR SHARMA @ LATE KAPILESHWAR SHARMA Resident of Village - Utarava, P.S.- Kutha, Distt.- Arwal.
 3. NAWEEN SHARMA @ NAWEEN KUMAR @ NAVEEN SHARMA LATE KAMLESHWAR SHARMA @ LATE KAPILESHWAR SHARMA Resident of Village - Utarava, P.S.- Kutha, Distt.- Arwal.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Kallu Paswan Son of Late Ramchandra Paswan R/O Vill- Utarawan, P.S.- Kurtha, Dist- Arwal

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Krishna Prasad Singh, Sr. Advocate Mr.Rakesh Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-07-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

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 07.01.2021, passed by learned Additional Sessions



Judge-Ist, Jehanabad, in connection with Kurtha (Manikpur) P.S. Case No.70 of 2018, registered under sections 147, 323, 379, 504, 506, 149, 341 of the IPC and sections 3(2)(va) of the SC/ST (POA) Act.

Allegedly, all the FIR named accused persons were severing off the varieties of trees planted in the field of the informant and on protest, he was abused, assaulted and humiliated at by the accused persons. They also took away several trees, causing damage of Rs. One lac to the informant.

It is submitted by learned senior counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is general and omnibus allegation against the appellants. It is submitted that the said land mentioned in complaint case measuring 4 dismal has already been sold to the appellant no.1 and his son in the year 1989 and 1995 by the informant/complainant Kallu Paswan (annexure-2) but only to exert pressure and grab trees, this false case has been lodged. It is further submitted that no offence under the SC/ST Act is made out against the appellants as there is no allegation against them to abuse the informant by taking



caste name. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, the since there is a dispute relating to land, 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 Additional Sessions Judge-Ist, Jehanabad, in connection with Kurtha (Manikpur) P.S. Case No.70 of 2018, 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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