

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1697 of 2021

Arising Out of PS. Case No.-42 Year-2017 Thana- SC/ST District- Sheikhpura

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Anil Mahto @ Anil Kumar Son Of Ayodhya Mahto Resident Of Village -
Kamasi, P.S.- Sheikhpura, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mohan Paswan Late Mahavir Paswan Resident of village-Kamasi,P.S-
Sheikhpura,District-Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sheo Nandan Prasad
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2022 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

Office pointed out that though the notice has been
validly served upon the opposite party no. 2 but nobody has
appeared on his behalf.

This is an appeal under section 14 (A) (2) 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 01.02.2021, passed by learned 1st Additional
District and Sessions Judge, Sheikhpura in Sheikhpura SC/ST
P.S. Case No. 42 of 2017 for the alleged offences registered
under sections 341, 323, 504, 506/34 of the Indian Penal Code



and section 3(ii) (va), 3 (i) (s) S.C./S.T. Act.

Appellant is said to have abused the informant by taking caste name and also assaulted him.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties which is clear from annexure-2 of the memo of appeal. Learned counsel for the appellant submits that similarly situated co-accused has already been granted bail by this Court vide order dated 07.07.2022 passed in Cr. APP (SJ) No. 1941 of 2021. Learned counsel for the appellant 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. The appellant has one criminal antecedent.

Learned Spl.PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused has been granted bail, let the appellant named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura, in connection with Sheikhpura S.C./S.T. P.S. Case No. 42 of 2017, 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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