

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1860 of 2021**

Arising Out of PS. Case No.-267 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

-
1. Kapileshwar Singh Son Of Kapileshwar Singh Resident Of Village Gospur Police Station- Dalsinghsarai, District-Samastipur
 2. Satyanarayan Singh Son Of Kapileshwar Singh Resident Of Village Gospur Police Station- Dalsinghsarai, District-Samastipur
 3. Shankar Singh Son Of Kapileshwar Singh Resident Of Village Gospur Police Station- Dalsinghsarai, District-Samastipur
 4. Mantu Kumar Singh @ Manto Kumar Singh Son Of Kapileshwar Singh Resident Of Village Gospur Police Station- Dalsinghsarai, District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar.
2. Ram Krishna Paswan Late Raghuni Paswan Resident of Village-Gaulpur, P.S.-Dalsinghsarai, District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mirityunjay Kumar
For the Respondent/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 27-09-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

There is no representation on behalf of respondent
no.2.

Notice has been issued to respondent no.2 on
12.04.2022. The office points out that the notice is validly
served upon the respondent no.2 and *Vakalatnama* is also filed
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 referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.12.2020 passed by learned 1st Additional Sessions Judge, Samastipur in connection with Complaint Report No. 267 of 2019, registered under Sections 323, 406, 379, 354(B), 120(B), 420 and 34 of the Indian Penal Code and under Section 3(i)(r)(s)(w) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. He submits that there is a land dispute between the parties. It is further submitted that there is general and omnibus allegation against the appellants. The appellants have relied upon the judgment passed in the case of ***Hitesh Verma versus State of Uttarakhand***, reported in **2020(10) SCC 710**. He further submits that appellants have got no criminal antecedent as stated in para-3 of this application.

Learned Special Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that there is land dispute between the parties, 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 bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur in connection with Complaint Report No. 267 of 2019, subject to the conditions 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)

ajay/-

U		T	
---	--	---	--

