

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1941 of 2021**

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

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PURUSHOTTAM MAHTO @ PURUSHOTTAM KUMAR SON OF
DASRATH KISHORE PRASAD R/O VILLAGE- KAMASI, P.S.-
SHEIKHPURA, DIST.- SHEIKHPURA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Mohan Paswan son of late Mahavir Paswan R/O- Kamasi, P.S.- Sheikhpura,
District- Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sheo Nandan Prasad, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2022 Heard the counsel for the appellant, counsel for
respondent no.2 and Spl. P.P. for the State.

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 10.02.2021, passed by learned 1st Additional District and Sessions Judge, Sheikhpura, in A.B.P. No. 115/2021 arising out of 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.



The allegation against the appellant is that while the informant Mohit Paswan went to spread fertilizer in his field, the appellant abused him by taking caste name. It is further alleged that he assaulted and threatened to kill him if he does not leave the land.

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 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 no criminal antecedent.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is a land dispute between the parties, 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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