

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2172 of 2021**

Arising Out of PS. Case No.-145 Year-2018 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. SHIVAJI SINGH S/O BABUA SINGH R/O JAIPUR KALA, P.S.-BHAGWANPUR, DISTRICT-KAIMUR
 2. CHANDRA SHEKHAR SINGH S/O SHIVAJI SINGH R/O JAIPUR KALA, P.S.-BHAGWANPUR, DISTRICT-KAIMUR
 3. KRISHNA SINGH @ KAJI SINGH S/O SHIVAJI SINGH R/O JAIPUR KALA, P.S.-BHAGWANPUR, DISTRICT-KAIMUR
 4. KAMLANAND SINGH @ KAMLANAND SINHA S/O LATE SEWAK LAL R/O JAIPUR KALA, P.S.-BHAGWANPUR, DISTRICT-KAIMUR

... .. Appellants.

Versus

1. THE STATE OF BIHAR
2. Lutawan Ram Late Rambaran Ram Resident - Jaipur Kala, P.S.-Bhagwanpur, District-Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Sanjeev Kumar Singh, Advocate Mrs. Rani Kumari, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Respondent No.2:		Mr. Raju Kumar, Advocate Mr. Pradhan Murli Manohar Prasad, Advocate

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

6 05-09-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.



Today, learned counsel for the appellants filed a supplementary affidavit in Court.

Let it be kept on record.

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 of anticipatory bail vide order dated 04.01.2021 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 145 of 2018 registered under Sections 147, 148, 149, 341, 323, 307 & 435 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is *bona fide* land dispute between the parties for the reason that the appellants claim 2 acres 44 decimals of plot no.18 through purchase vide registered sale deed of the year 1985 and the informant claims 3 acres 45 decimals through settlement in the same plot. The sale deed produced by the appellants would reveal that there is more area in the same plot no.18 in the eastern and western side of the purchased land by the appellants. In the aforesaid background allegation is of



commission of abuse and assault.

Considering the *bona fide* claim of the appellants and general and omnibus nature of allegations, 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No.145 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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