

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2148 of 2021**

Arising Out of PS. Case No.-219 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. MANOJ SAH @ MANOJ KUMAR SAH S/O LATE ARJUN SAH R/O VILLAGE-BHAUA, P.S-PATORI, DISTRICT-SAMASTIPUR
 2. RANJIT SAH @ RANJIT KUMAR SAH @ RANJIT KUER SAH S/O LATE ARJUN SAH R/O VILLAGE-BHAUA, P.S-PATORI, DISTRICT-SAMASTIPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNDESHWAR DAS S/O LATE NAGDEO DAS R/O VILLAGE-BHAUA, P.S-PATORI, DISTRICT-SAMASTIPUR.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjay Kumar
For the State	:	Mrs.Usha Kumari No.1, Spl.P.P.
For the Respondent No.2:	:	None

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

5 13-10-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Vide order dated 26.03.2022, notice was issued to respondent no.2, who has filed appearance in this case through his counsel but today nobody appears on his behalf.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 18.02.2021, passed by learned 1st Additional



Sessions Judge-cum- Special Judge, Samastipur, in connection with Complaint Case No.219 of 2019, registered under sections 323, 341, 427, 504 of the IPC and sections 3(i)(r)(s)(w) of the SC and ST Act.

Allegedly, all the FIR named accused persons including the appellants entered into the house of informant and abused him by caste name, damaged his hut and disconnected the electricity supply.

It is submitted by learned 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 has been falsely implicated in the case with frivolous allegation. It is submitted that there is a land dispute between the parties. The said civil dispute was verified by the local C.O. Patori and the C.O. in his enquiry has found that contents of the complaint case is absolutely false and fabricated and complainant is trying to capture the land of appellant as the ancestors of the complainant have already executed sale deed in favour of mother of appellant. It is submitted further submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence is not said to have taken place in the public view. Relying upon the judgment of the Apex Court in the case



of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Appellants have no criminal antecedent.

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

Considering the facts and circumstances of the case, 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, are directed to 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 1st Additional Sessions Judge-cum- Special Judge (SC/ST), Samastipur, in connection with Complaint Case No.219 of 2019, 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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