

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2609 of 2021

Arising Out of PS. Case No.-93 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

1. RUBY DEVI Wife of Arun Pandey Resident of Village - Mohammadpur, P.S. Mohania, District - Kaimur (Bhabhua).
2. RAJENDRA PANDEY S/O Mishri Pandey Resident of Village - Mohammadpur, P.S. Mohania, District - Kaimur (Bhabhua).
3. ARUN PANDEY S/O Mishri Pandey Resident of Village - Mohammadpur, P.S. Mohania, District - Kaimur (Bhabhua).

... .. Appellant/s

Versus

1. The State of Bihar
2. Kundan Ram Son of Budhau Ram Resident of Diya, P.S.- Mohania, Dist- Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-10-2022 Heard the parties.

Learned counsel for the appellants filed a jointness petition stating that the notice issued to the respondent no.2 was received by one Vikash Kumar, who is the own brother of respondent no.2 and both are living together.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 05.03.2021, passed by learned Additional District



and Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua in connection with Mohania P.S. Case No.93 of 2019 registered under sections 341, 323, 504, 506, 34 of the Indian Penal Code and 3(i)(r)/3(2)(va) of S.C./S.T. Act.

Allegedly, the appellants alongwith other accused persons assaulted the informant by means of deadly weapons and also abused him by taking caste name.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties and a title suit no.516/2020 is also pending between appellant Rajendra Pandey and others and the same is pending for adjudication. Appellant no. 1 has no criminal antecedent and appellant nos.2, 3 and 4 have two criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme**



Court Cases 710., it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.

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

Considering the facts and circumstances of the case, since there is a land dispute between the parties, let 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, 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, S.C./S.T. Act, Kaimur at Bhabhua, in connection with Mohania P.S. Case No.93 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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