

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1416 of 2022**

Arising Out of PS. Case No.-68 Year-2021 Thana- SABAUR District- Bhagalpur

SHAHIN KUMAR JHA @ SAHIL S/o Sri Niwash Chandra Jha @ Niwas
Chandar Jha R/o village- Tetri, P.S.- Naugachia, District- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Amita Kumari W/o Late Mahesh Kumar Das R/o village- Zero Mile,
Gurunanakpura, P.S.- Zero Mile, District- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Kumar Anand
For the Respondent/s : Mr.Sadanand Paswan

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

3 14-12-2022 Heard learned counsel for the appellant, respondent
no. 2 and learned Spl. P.P. for the State.

Learned counsel for the appellant undertakes to
remove the defects, if any, as pointed out by the office within
three weeks.

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 28.03.2022, passed by learned 3rd Additional
Sessions Judge-cum-Special Judge, (SC/ST), Bhagalpur in
connection with Sabour P.S. Case No. 68 of 2021 for the



offences registered under Sections 406, 420/34 of the Indian Penal Code and Sections 3(i) (r) (s) S.C./S.T. Act.

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. This fact has not been denied by the learned counsel for the respondent no. 2. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. 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 the respondent no. 2 oppose the prayer for bail.

Considering the facts and circumstances of the case, 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 3rd Additional Sessions Judge-cum-Special Judge, (SC/ST), Bhagalpur in connection with Sabour P.S. Case No. 68 of 2021, subject to the condition as laid down under section 438(2) of the Cr.P.C.

The bail bond of the appellant shall be accepted on verification of the criminal antecedent to the appellant by the learned court below. If it is found the appellant has criminal antecedent, the bail bond of the appellant will not be accepted.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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