

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2937 of 2021

Arising Out of PS. Case No.-39 Year-2019 Thana- SC/ST District- Rohtas

1. RAGHUCHARAN MAHTO SON OF LATE JANAK MAHTO R/O VILLAGE- TILOKHAR, P.S.- CHUTIA, DISTRICT- ROHTAS
2. ASHOK MAHTO SON OF RAGHUCHARAN MAHTO R/O VILLAGE- TILOKHAR, P.S.- CHUTIA, DISTRICT- ROHTAS
3. RAJA MAHTO SON OF RAGHUCHARAN MAHTO R/O VILLAGE- TILOKHAR, P.S.- CHUTIA, DISTRICT- ROHTAS
4. CHITRANJAN MAHTO SON OF RAGHUCHARAN MAHTO R/O VILLAGE- TILOKHAR, P.S.- CHUTIA, DISTRICT- ROHTAS
5. PUNAM DEVI WIFE OF RAGHUCHARAN MAHTO R/O VILLAGE- TILOKHAR, P.S.- CHUTIA, DISTRICT- ROHTAS
6. HARI MOHAN DUBEY SON OF LATE DIRGAJ DUBEY R/O VILLAGE- NAUHATTA, P.S.- NAUHATTA, DISTRICT- ROHTAS

... .. Appellant/s

Versus

1. The State of Bihar
2. Udai Paswan Late Mundrika Paswan R/O village- Tilokhar, P.S.- chutia, District- Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeev Kumar Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.
		Mr.Rajani Kant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-10-2022 Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Special Public Prosecutor for the State.

This is an appeal under section 14A (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 22.03.2021, passed by learned Additional Sessions Judge-Ist-cum- Special Judge, Sasaram, in connection with Dehri P.S. Case No.39 of 2019, registered under sections 147/ 148/ 149/ 323/ 341/ 379, 354, 504/506 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

Allegedly, all the FIR named accused persons including the appellants came at the door of informant armed with lathi-danda and abused him and on objection, they surrounded the informant, his son and wife and assaulted them due to which they sustained injuries. The accused persons threatened them to leave the village.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence in the manner as alleged has ever taken place. Appellants have been falsely implicated in this case with frivolous allegation due to land dispute. It is submitted that appellant no.1 has purchased the land situated in Mauza Tilokhar in the name of his wife from one Grivar Dubey but forcibly the informant and his family members have taken possession of the said land and implicated the entire family members of appellant no.1 in this case. A Title Suit No.5/2017



in this regard was earlier filed by the appellant no.1 against the informant. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence has not 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 as well as learned counsel for respondent no.2 opposed the prayer for bail by submitting that there is specific allegation against the appellants to abuse the informant by taking caste name.

Considering the rival submissions of the parties, it is apparent that there is a land dispute between the parties and in view of the judgment of the Apex Court in ***Hitesh Verma (supra)***, I am inclined to enlarge the appellants on bail.

Accordingly, 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 District & Sessions



Judge, Rohtas at Sasaram, in connection with Dehri P.S. Case No.39 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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