

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1678 of 2022

Arising Out of PS. Case No.-557 Year-2021 Thana- JOGAPATTI District- West Champaran

RAJBHAWAN YADAV S/o Late Shobha Yadav Resident of Village-
Bharthapatti Ward No.11, P.S.- Yogapatti (Nawalpur), District- West
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sharda Devi W/o- Kanchan Bhagat Ram Resident of Village- Bharthapatti
Ward No.11, P.S.- Jogpatti (Nawalpur), District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Brij Kishor Mishra, Adv.
For the Respondent/s	:	Mr.Binay Krishna, APP Mr.Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-11-2022 Heard the parties.

Learned counsel for the appellant is directed to
remove rest of the defect(s) pointed out by the office within four
weeks.

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 20.04.2022, passed by learned I/C Additional
District & Sessions Judge-1st-cum-Special Judge (SC/ST),
Bettiah, District West Champaran, in connection with Yogapatti
(Nawalpur) P.S. Case No.557 of 2021, registered u/s 341, 323,



354, 379, 504, 506/34 of the IPC and sections 3(i)(r)(s), 3(ii) (Va) of the SC/ST (POA) Act.

Allegedly, the FIR named accused persons including the appellant is said to have assaulted and abused the informant and her son.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation due to enmity. There is general and obvious allegation against the petitioner. It is submitted that there is a land dispute between the parties and 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. There is no specific overt act against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State as well as respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is no overt act against the appellant, 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, is directed to 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 Additional District & Sessions Judge-1st-cum-Special Judge (SC/ST), Bettiah, District West Champaran, in connection with Yogapatti (Nawalpur) P.S. Case No.557 of 2021, 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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