

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3084 of 2021

Arising Out of PS. Case No.-53 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. RASMANI SINGH Son of Late Narsingh Singh Resident of Village- Rampur, P.S.- Obra, District- Aurangabad.
 2. Ravindra Singh @ Ravindra Kumar @ Ravindra Sharma Son of Chandramani Singh Resident of Village- Rampur, P.S.- Obra, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Dipnarayan Singh Son of Late Hari Ram Resident of Village- Hardan Bigha, P.S.- Obra, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramendra Kumar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-10-2022 By order dated 10.05.2022, notice was issued to respondent no.2. The office points out that respondent no.2 has appeared by filing *Vakalatnama*, but today nobody appears on behalf of respondent no.2.

Heard learned counsel for the appellants and learned Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated



19.06.2021, passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Complaint Case No.53 of 2019, in which the learned court below has taken cognizance for offences under Sections 147, 323, 354 and 504 of the Indian Penal Code read with Sections 3(I)(V)(X)(XI) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant are innocent and have falsely been implicated in the present case. It is further submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is submitted that from perusal of the complaint, it is clear that there is land dispute between the parties. Learned counsel for the appellants has relied upon the judgment of Hitesh Verma Vs. State of Uttarakhand and another, reported in (2020) 10 SCC 710.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants and submitted that cognizance has already been taken against the appellants, therefore, anticipatory bail is not maintainable.

Taking into consideration the law laid down by the Hon'ble Apex Court in the case of Hitesh Verma (supra) and the fact that there is land dispute between the parties, let appellants,



above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Complaint Case No.53 of 2019, subject to the conditions 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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