

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3278 of 2021**

Arising Out of PS. Case No.-615 Year-2018 Thana- BARACHATTI District- Gaya

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1. Niraj Kumar S/O Mathura Prasad R/O Village- Ganguar, P.S.- Barachatti, District- Gaya
 2. Jitendra Manjhi @ Jitendra S/O Suresh Manjhi R/O Village- Ganguar, P.S.- Barachatti, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramjatan Manghi Late Sita Ram Manjhi Village-Ganguar,P.S.- Barachatti,District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kunwar Narayan Jamuar
For the Respondent/s : Mr.Sadanand Paswan
Mr. Abhay Shankar

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

3 01-11-2022 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

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 bail vide order dated 21.01.2020, passed by learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 615 of 2018, registered under Sections 147, 148, 149, 323, 308 of the IPC and Sections 3(i) (r) (S) of SC/ST Act.

Appellants are said to have abused the brother of the informant and also assaulted him by means of Gadassa, khanti



and lathi.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that this case is counter blast of Barachatti P.S. Case No. 616 of 2018. Learned counsel for the appellants 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. He further submits that appellant no. 1 has one criminal antecedent and appellant no. 2 has no criminal antecedent as stated in para-3 of this appeal.

However, learned counsel for the respondent no. 2 opposes the prayer for bail and submits that the appellant no. 1 has three criminal antecedents.

Considering the facts and circumstances of the case, let the above named appellant no. 2 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No. 615 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

However, anticipatory bail of the appellant no. 1 is rejected on the ground of suppression of criminal antecedent in connection with the aforesaid case.

Accordingly, the impugned order is set aside with regard to appellant no. 2 and the appeal is partly allowed.

(Anjani Kumar Sharan, J)

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