

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3392 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- SC/ST District- Saran

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1. SANJAY KUMAR SINGH Son of Late Chandradeep Singh Resident of Village - Fakuli, Police Station - Chapra Muffasil, District - Saran at Chapra.
 2. Dhananjay Singh Son of Late Chandradeep singh Resident of Village - Fakuli, Police Station - Chapra Muffasil, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA
3. Fagun Manjhi Late Ramdeo Manjhi Village-Fakauli,P.S-Chapra Muffasil,District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bindhyachal Singh, Sr.Adv Mr. Ram Binod Singh, Adv
For the Respondent/s	:	Mrs. Usha Kumari I, Spl.P.P. Mr. Narendra Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2022 Heard the parties.

Learned counsel for the appellants is directed to remove the defects 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 of anticipatory bail vide order dated 05.06.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Saran SC/ST Case No.23 of 2021, registered



under Sections 341, 323, 427, 504, 526 of the Indian Penal Code and Section 3(i) (r), 3(2)(Va) of the Scheduled Castes and Scheduled Tribes Act.

It is submitted by learned senior counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assaulting the informant is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. He further submits that there is a delay of eight days in lodging the F.I.R. which creates a serious doubt of the prosecution case. Relying upon the judgment of the **Hon'ble Apex Court in Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 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 as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the 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. Learned counsel for the respondent no.2 submits that though it is stated that the



appellants have no criminal antecedent but one case is still pending against the appellants.

Considering the facts and circumstances of the case, the above named appellants, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Saran SC/ST Case No.23 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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