

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3551 of 2021**

Arising Out of PS. Case No.-53 Year-2020 Thana- SC/ST District- Vaishali

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1. Mithlesh Kumar Singh @ Mithlesh Singh Son Of Late Vijay Narayan Singh Resident Of Village- Chauhtaa Chhipi Tola, P.S.- Nagar Thana Hajipur, District- Vaishali.
 2. Awadhesh Kumar Singh @ Awadhesh Singh Son Of Late Vijay Narayan Singh Resident Of Village- Chauhtaa Chhipi Tola, P.S.- Nagar Thana Hajipur, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Paswan Shiv Jee Paswan R/O Village-Badiyushufpur, P.S.-SC/ST Hajipur, District Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Usha Kumari 1

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

4 14-12-2022 Heard learned counsel for the appellants, respondent no. 2 and learned Spl. P.P. for the State.

Learned counsel for the appellants undertakes to remove the defects, if any, as pointed out by the office within three weeks.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 17.04.2021, passed by learned Additional District and Sessions Judge-1st -cum-Special Judge, Vaishali at



Hajipur in connection with Hajipur SC/ST P.S. Case No. 53 of 2020 for the offences registered under Sections 341, 323, 324, 385, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r) (s) S.C./S.T. Act.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties. This fact has not been denied by the learned counsel for the respondent no. 2. He submits that there is no specific overt act against the appellants. 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. The appellants have no criminal antecedent.

Learned Spl.PP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail and submit that there specific allegation against the appellants to abuse the informant by taking caste name.

Considering the facts and circumstances of the case, let 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, 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 Additional District and Sessions Judge-1st -cum-Special Judge, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 53 of 2020, 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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