

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.462 of 2021**

Arising Out of PS. Case No.-179 Year-2020 Thana- BIRAUL District- Darbhanga

1. HARE KRISHNA SAHU SON OF LATE SARYUG SAHU RESIDENT OF VILLAGE NAWBHARAN, PS BIRAUL, DISTRICT-DARBHANGA.
2. BABLU KUMAR SAHU SON OF HARE KRISHNA SAHU RESIDENT OF VILLAGE NAWBHARAN, PS BIRAUL, DISTRICT-DARBHANGA.
3. SANTOSH SAHU @ KARAN SAHU SON OF HARE KRISHNA SAHU RESIDENT OF VILLAGE NAWBHARAN, PS BIRAUL, DISTRICT-DARBHANGA.
4. CHANDRA KISHORE KUMAR SAHU @ BHOLA SAHU SON OF HARE KRISHNA SAHU RESIDENT OF VILLAGE NAWBHARAN, PS BIRAUL, DISTRICT-DARBHANGA.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Bishambhar Paswan Late Lakhan Paswan R/v-Nav Bharan, P.S.-Biraul Distt-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Usha Kumari 1

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

3 10-03-2022 Heard learned counsel for the appellants and learned Spl.P.P. for the State. Though vakalatnama is filed on behalf of respondent no.2, in view of the order of this Court but today when the case is called out, nobody appears for respondent no.2.

This is an appeal under section 14(A) 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 03.09.2020, passed by learned 1st Additional District and Sessions Judge (POA), Darbhanga, in connection with Biraul



P.S. Case No.179 of 2020, registered under sections 341, 323, 324, 504, 379, 307, 34 of the IPC and sections 3(i)(r)(s) of the SC/ST (POA) Act.

The prosecution case in short is that the FIR named accused persons entered into courtyard of the informant and started fencing work on the land in his possession and on objection, they started to abuse and assault. One Bablu Sahu inflicted farsa blow on the head of the informant, causing bleeding injury, due to which informant fell down. They threatened to kill him. On alarm, informant's son reached there but the accused persons also assaulted him.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is an admitted land dispute between the parties and in the alleged occurrence, both sides have sustained some grievous injuries. There is case and counter-case between the parties. 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. Further, there is no allegation of slating the informant's side in a public view, as such, no offence under the SC/ST Act is made out against the appellants. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, since there is no specific allegation against the appellant and both sides have sustained injuries, 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, is directed to 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 1st Additional District and Sessions Judge (POA), Darbhanga, in connection with Biraul P.S. Case No.179 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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