

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2892 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- TARAIIYA District- Saran

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1. MANOJ SINGH S/O LATE BALI SINGH Resident of village- Dumri, P.S.- Taraiya, District- Saran at Chapra (Bihar).
 2. ROHIT KUMAR @ ROHIT SINGH S/O KUNAL SINGH Resident of village- Dumri, P.S.- Taraiya, District- Saran at Chapra (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar.
2. DHARAM DAS S/O LATE PUNIT DAS Resident of village- Dumri, P.S.- Taraiya, District- Saran at Chapra (Bihar).

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 30-11-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

Learned counsel for the appellants undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

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 of anticipatory bail



vide order dated 18.07.2022 passed by learned IIIrd Additional Sessions Judge-cum-Special Judge SC/ST, Judge, Saran in connection with Taraiya P.S. Case No. 203 of 2022, registered under Sections 341, 504, 385, 472 and 34 of the Indian Penal Code and Section 3(i)(r)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute between the parties. The wife of the informant gave an application before the Circle Officer, Taraiya for issuance of Basgit Purcha in her favour for the aforesaid land in question and accordingly notice was issued to the appellant no.1 & 2 and others on 02.08.2015. After receiving the aforesaid notice the appellant no.1 & 2 appeared before the Circle Officer, Taraiya, Saran and filed a written objection on 20.08.2015. There is civil dispute between the parties and only with an intention to grab the land of the appellant the present case has been by the informant. He relied upon the judgement of the ***Hon'ble Apex Court passed in Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710***. Appellant no. 1 & 3 have got no criminal antecedent and appellant no.2 have got one



criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposed the prayer for bail and submits that the said land belongs to the informants and appellants are disturbing in the construction of the house of the informant.

Considering facts and circumstances of the case and the judgement of the Hon'ble Apex Court, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned IIIrd Additional Sessions Judge-cum-Special Judge SC/ST, Judge, Saran in connection with Taraiya P.S. Case No. 203 of 2022, 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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