

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4551 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- PARIHAR District- Sitamarhi

Praveen Kumar Son Of Ganga Prasad Yadav @ Ganga Rai @ Ganga Prasad
Resident Of Village - Khoprahiya, P.S. - Parihar, District - Sitamarhi -843324.
... .. Appellant/s

Versus

1. The State of Bihar
2. Minki Kumari Ram Lakhan Ram R/V-Khoprahiya, P.S.-Parihar, District-Sitamarhi, Pin-843324
... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subodh Kumar
For the Respondent/s	:	Mr. Usha Kumari Mr Alok Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 14-12-2022 Heard learned counsel for the appellant, respondent
no. 2 and learned Spl. P.P. for the State.

Learned counsel for the appellant 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 05.10.2021, passed by learned Additional
District and Sessions Judge-1st -cum-Special Judge, SC/ST
Sitamarhi in connection with Parihar P.S. Case No. 202 of 2020
for the offences registered under Sections 341, 323, 379, 504/34



of the Indian Penal Code and Sections 3(r) (s) S.C./S.T. Act.

Appellant is said to have abused the informant and also assaulted her.

Learned Counsel for the appellant submits that appellant is innocent and has 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 appellant. Learned counsel for the appellant 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 appellant has no criminal antecedent.

Learned Spl.PP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

Considering the facts and circumstances of the case, let the appellant named above, in the event of his 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) with two sureties of



the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st -cum-Special Judge, SC/ST Sitamarhi in connection with Parihar P.S. Case No. 202 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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