

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4511 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- SC/ST District- Munger

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RUPESH KUMAR @ GUDDU MANDAL Son of Kuldip Prasad Resident of  
Village - Laxmipur, P.S.- Jamalpur, Distt.- Munger.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rita Devi Wife of Ashok Paswan R/o vill- Jagdishpur, Laxmanpur P.S.-  
Jamalpur, Dist- Munger.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Sangha Mitra Ghosh  
For the Respondent/s : Mr.Sadanand Paswan

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

3      30-11-2022                      Vide order dated 13.07.2022, notice was issued to  
  
respondent no.2, which was validly served upon her, but nobody  
  
appears on her behalf today.

Heard learned counsel for the appellant and learned  
  
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the  
  
Scheduled Castes and Scheduled Tribes (Prevention of  
  
Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’)  
  
against the refusal of prayer of anticipatory bail vide order dated  
  
23.04.2021, passed by learned Additional Sessions Judge-I,  
  
Munger in connection with SC/ST P.S. Case No.10 of 2021,  
  
registered under Sections 341, 323, 354, and 504/34 of the



Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

The appellant is said to have abused and assaulted the informant causing injury on her hand. It is also alleged that the appellant set the house of the informant on fire.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-4 of the memo of appeal. It is further submitted that there is land dispute between the parties. It is submitted that earlier the appellant had filed a case against the informant on 05.04.2021 and thereafter the informant has filed the present case on 08.04.2021 after delay of three days. Learned counsel for the appellant relies upon the judgment of the Hon'ble Apex Court passed in the case of ***Hitesh Verma Vs. State of Uttarakhand and another.***, reported in ***(2020) 10 SCC 710***.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellant.

Considering the fact that there is land dispute between the parties, let appellant, above named, 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/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Munger in connection with SC/ST P.S. Case No.10 of 2021, subject to the conditions 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)**

Sanjay/-

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