

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4611 of 2021

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

-
-
1. Umashankar Sah @ Umashankar Prasad Son Of Late Devki Sah Resident Of Village - Marjadwa, P.S.- Purushottampur, District - West Champaran.
 2. Sanjay Sah @ Sanjay Kumar Gupta Son Of Sri Umashankar Sah @ Umashankar Prasad Resident Of Village - Marjadwa, P.S.- Purushottampur, District - West Champaran.
 3. Ajay Sah @ Ajay Kumar Gupta @ Dhananjay Son Of Sri Umashankar Sah @ Umashankar Prasad Resident Of Village - Marjadwa, P.S.- Purushottampur, District - West Champaran.
 4. Asha Devi Wife Of Sri Umashankar Sah @ Umashankar Prasad Resident Of Village - Marjadwa, P.S.- Purushottampur, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Ram Son of Late Bhikham Ram Resident of Village - Marjadwa, Ward No. 08, P.S. - Purushottampur, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Umesh Chandra Verma
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 25.09.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Bettiah SC/ST P.S. Case No. 10 of 2021 for the offences registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r) (s), 3 (2)(va) 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 to abuse the informant by taking caste name. 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 after investigation police has filed the final form against the



appellants but the learned court below taken cognizance against them.

Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran, Bettiah in connection with Bettiah SC/ST P.S. Case No. 10 of 2021, 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)

devendra/-

U		T	
---	--	---	--

