

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.4631 of 2021**

Arising Out of PS. Case No.-129 Year-2016 Thana- LAUKAHI District- Madhubani

Surya Narayan Sah @ Sury Narayan Sah Son Of Mishri Sah @ Mishri Lal  
Sah R/O Village- Thadhi, P.S.- Laukahi, Dist.- Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Fulo Devi Wife Of Vijay Paswan R/O Village- Chichodhwa, P.S.- Laukahi,  
Dist.- Madhubani

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Mrityunjay Kumar  
For the Respondent/s : Mr.Usha Kumari 1

**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 15.04.2021, passed by learned Additional  
Sessions Judge-1st-cum Special Judge SC/ST Act, Madhubani  
in connection with Laukahi P.S. Case No. 129 of 2016 for the  
offences registered under Sections 147, 149, 341, 323, 448, 354,



307, 379, 380, 504 of the Indian Penal Code and Sections 3(i)  
(x) S.C./S.T. Act.

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 to abuse the informant by taking caste name. 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 Sessions Judge-1st-cum Special Judge SC/ST Act, Madhubani in connection with Laukahi P.S. Case No. 129 of 2016, 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/-

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