

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4146 of 2019**

Arising Out of PS. Case No.-57 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Pankaj Mishra Son of Ramesh Mishra Resident of Village- Vajarkaraiya, Police Station- Dhanaha, District- West Champaran.
 2. Rahul Mishra Son of Ramesh Mishra Resident of Village- Vajarkaraiya, P.S.- Dhanaha, District- West Champaran.
 3. Dinesh Mishra @ Dinesh Kumar Mishra Son of Ramesh Mishra Resident of Village- Vajarkaraiya, P.S.- Dhanaha, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhola Baitha Son of Late Vishuni Baitha Resident of Village- Tamkuha, Police Station- Dhanaha, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Zainul Abedin
For the Respondent/s : Mr.Sadanand Paswan

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

6 22-03-2022 Vide order dated 15.11.2021, notice was directed to be issued upon respondent no.2 and as per office notes dated 09.03.2022, notice has been validly served upon respondent no.2 but nobody has entered appearance on behalf of the respondent no.2. However, learned counsel for the appellants and learned Spl.P.P. for the State is present.

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 22.07.2019, passed by learned Additional District and



Sessions Judge 1st-cum-Special Judge, Bettiah, West Champaran in connection with West Champaran Complaint Case No.57 of 2017, registered u/s 323, 341, 504 of the IPC and sections 3 (vi)(x) of the SC & ST (POA) Act.

Allegedly, the appellants herein stopped the informant near their field and abused him by calling caste name and assaulted him with fists and slaps.

It is submitted by learned counsel for the appellants that the appellants are quite innocent and have not committed any offence. No such occurrence as alleged has ever taken place. Appellants have been falsely implicated in the case due to dirty village politics. There is general and omnibus allegation against the appellants and no specific overt act is levelled upon them. There is an admitted land dispute between the parties. It is further submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific allegation against them of abusing the informant. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail by submitting that this anticipatory bail application is not maintainable, as cognizance has been taken against the appellants.



Learned counsel for the appellants, on the other hand, relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *(2020) 10 SCC 710*, submits that when there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.

In the facts and circumstances of the case, since there is no specific allegation against the appellants, 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, are directed to be released on bail on furnishing bail bond of Rs.25,000/-(Rs. Twenty Five Thousand) each with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st -cum-Special Judge, Bettiah, West Champaran in connection with West Champaran Complaint Case No.57 of 2017, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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