

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4537 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- ANTI District- Gaya

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1. Upendra Yadav S/o Chandeshwar Yadav
 2. Jeera Devi @ Meera Devi W/o Upendra Yadav both R/o village- Narsinhpur, P.S.- Aanti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilip Paswan son of Late Devnandan Paswan Resident of village-Narsihpur, P.S.-Anti, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 07-02-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceeding.

Vide order date 15.11.2021, notice was issued to the respondent no. 2. From perusal of the office notes, it appears that notice has been validly served upon the respondent no. 2, but nobody appears on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.08.2019, passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Aanti P.S. Case No. 33 of 2019,



registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code and Sections 3(i) (r) of SC/ST Act.

Prosecution case is that the appellants forcibly took possession over the land of the informant and were filling soil over the same. On objection, both of them assaulted the informant by means of lathi, gadasa due to which he sustained injury on head. When the wife of the informant came their for rescue then appellant no. 2 assaulted by means of bricks.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is case and counter case between the parties. He submits that occurrence took place on 23.04.2019 but the FIR has been lodged on 27.04.2019 after delay of four days without any explanation. He submits that there is admitted land dispute between the parties. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact there is admitted land dispute between the parties, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks



from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Aanti P.S. Case No. 33 of 2019, 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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