

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4794 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- PIRPAINTI District- Bhagalpur

SK. KHALIL Son of Sk. Sabbo Resident of Village-Pirpainty Bazar, Paschim Tola, P.S.-Pirpainty, District-Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rashmi Ravidas W/o Suresh Ravidas R/o Vill Charma Godown, Pirpainty, P.S. Pirpainty, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlendu Mishra

For the Respondent/s : Ms.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-04-2022 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Though notice was issued to the respondent No.2, in compliance of the order dated 15.11.2021 and as per service report, notice has been validly served but nobody appears on behalf of the respondent No.2.

This is an appeal under section 14A (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 07.08.2019, passed by learned III Additional District and Sessions Judge-cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Pirpainty P.S. Case No.87 of 2018, registered



under sections 147, 149, 323, 504, 506 of the IPC and sections 3(i)(r), 3(2)(v-a) of the SC and ST (POA) Act.

Allegedly, on account of a land dispute, the appellant along with others accused persons armed with lethal weapons came to the informant and started abusing in caste name and threatened her with dire consequences.

It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. There is an admitted land dispute between the parties. 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**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Further, there is no specific allegation of slating the informant against any of the accused persons, as such, no offence under the SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, 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, is directed to 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 III Additional District and Sessions Judge-cum- Special Judge, SC/ST Act, Bhagalpur, in connection with Pirpainty P.S. Case No.87 of 2018, 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)

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