

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5696 of 2019

Arising Out of PS. Case No.-294 Year-2019 Thana- DESARI District- Vaishali

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1. Ram Jalam Rai @ Ram Janm Rai Son of Late Jugeshwar Rai Resident of Village Pohiar Buzurg, P.S. Desari (Sahdei O.P.), District Vaishali at Hajipur.
 2. Manoj Kumar Rai @ Manoj Rai Son of Late Jugeshwar Rai Resident of Village Pohiar Buzurg, P.S. Desari (Sahdei O.P.), District Vaishali at Hajipur.
 3. Nagdeo Rai Son of Late Jugeshwar Rai Resident of Village Pohiar Buzurg, P.S. Desari (Sahdei O.P.), District Vaishali at Hajipur.
 4. Anoj Kumar @ Sanoj Kumar @ Sanoj Rai Son of Late Jugeshwar Rai Resident of Village Pohiar Buzurg, P.S. Desari (Sahdei O.P.), District Vaishali at Hajipur.
 5. Ram Lakshan Rai @ Ram Lakhan Rai Son of Late Jugeshwar Rai Resident of Village Pohiar Buzurg, P.S. Desari (Sahdei O.P.), District Vaishali at Hajipur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Shivnath Ram s/o late Joginder Ram R/o village-Rampur Baghel, P.S.-Deshri Sahdei O.P. District-Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 05-04-2022 Heard learned counsel for the appellants and learned Special P.P. for the State. Nobody appears on behalf of respondent no.2.

The office points out that the notice has been validly served upon respondent no.2.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 14.11.2019, passed by learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No.294 of 2019, registered under Sections 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that there is land dispute between the parties.

Learned counsel for the appellants filed a supplementary affidavit in which he has enclosed the documents relating to the land. Learned counsel for the appellants has relied upon the judgment of *Hitesh Verma Vs. State of Uttarakhand* and another, reported in (2020) 10 SCC 710.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants by submitting that the appellants have abused the informant by naming his caste.

Taking into consideration the fact that there is land dispute between the parties, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Desari (Sahdei O.P.) P.S. Case No.294 of 2019, subject to the conditions 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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