

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1035 of 2021**

Arising Out of PS. Case No.-59 Year-2020 Thana- SC/ST District- Saran

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SUDESHWAR PD. SRIVASTAVA @ SURESHWAR PRASAD
SRIVASTAVA Son of Late Kamta Prasad Resident of House No. -14, Ganesh
Path, Shivpuri, P.S. - Krishnapuri, Patna, District - Patna, Bihar.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Arbind Kumar Jagat Manjhi Resident of - Sahnewajpur, P.S.- Taraiya,
District- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Suman Kumar Mishra
For the Respondent/s : Ms. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The office points out that notice has validly been
served upon respondent no.2, but today nobody appears on
behalf of respondent no.2.

Learned counsel for the appellant is directed to
remove all defects pointed out by the office within a period of
four weeks from today.

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



09.12.2020, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Saran at Chapra in connection with SC/ST P.S. Case No.59 of 2020, registered under Sections 148, 341, 342, 468, 420, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) 3(x)(i)(G) 3(i)(s)(N) of the SC/ST Act.

The accusation in the FIR is that the appellant has sold the land which earlier had been purchased by the grandfather of the informant from the mother of the appellant.

Learned counsel for the appellants submits that the appellant is innocent and has falsely been implicated in the present case. It is submitted that the appellant has got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is land dispute between the parties and the allegation against the appellant is general and omnibus. It is submitted that similarly situated co-accused persons have already been enlarged on bail vide order dated 11.08.2021, passed in Criminal Appeal (SJ) No.1148 of 2021. Learned counsel for the appellant relies upon the judgment of the Hon'ble Apex Court passed in the case 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 appellant.

Taking into consideration the facts aforesaid, let appellant, above named, 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/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Saran at Chapra in connection with SC/ST P.S. Case No.59 of 2020, 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)

S.KUMAR/-

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