

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1082 of 2021**

Arising Out of PS. Case No.-97 Year-2020 Thana- PATORI District- Samastipur

1. Ram Anuj Singh S/O Late Yogendra Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.
2. Dilak Singh S/O Late Marjadi Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.
3. Sanjay Singh @ Bhikhari Singh S/O Late Ram Maulin Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.
4. Sudhir Singh S/O Jatta Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.
5. Uday Singh @ Bhuletan Singh @ Bhultan Singh S/O Late Ram Shobhit Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.
6. Bisambhar Singh S/O Late Narayan Singh Resident Of Village Matiaur, P.S.-Mohiuddin Nagar, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Apurva Kumar
For the Respondent/s : Mr. Binay Krishna

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

4 15-03-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the State submits that he has
informed the informant 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, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 16.10.2020, passed by learned 1st Additional



Sessions Judge, Samastipur in connection with Patory (Mahanpur) P.S. Case No. 97 of 2020 for the alleged offences registered under sections 147, 148, 149, 341, 323, 307, 354, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1) (r)(s) S.C./S.T. Act.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is land dispute in between the parties and a proceeding under Section 144 Cr.P.C. is also pending between them. Learned counsel for the appellants submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. Learned counsel for the appellant further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. Learned counsel for the appellants further submits that the appellants have criminal antecedent as stated in para-3 of the memo of appeal.

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

Considering the facts and circumstances of the case, let



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, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur in connection with Patory (Mahanpur) P.S. Case No. 97 of 2020, 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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