

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.592 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- SC/ST District- Nawada

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1. Saviya Devi @ Sabiya Devi W/O Sanjay Yadav Resident Of Village - Aiwan, P.S - Fatehpur, District - Gaya.
 2. Sanjay Yadav S/O Ganga Yadav Resident Of Village - Aiwan, P.S - Fatehpur, District - Gaya.
 3. Kailash Prasad @ Kailash Mahto S/O Late Raghu Prasad @ Raghu Mahto Resident Of Village - Nawadih, P.S - Sirdalla, District - Nawada.
 4. Ramprasad Prasad @ Ram Prasad S/O Kailash Prasad Resident Of Village - Nawadih, P.S - Sirdalla, District - Nawada.
 5. Pramod Prasad @ Pramod Kumar Suman S/O Kailash Prasad Resident Of Village - Nawadih, P.S - Sirdalla, District - Nawada.

... .. Appellants

Versus

1. The State Of Bihar
2. Simpi Kumari W/o Dharmendra Rajvanshi Resident of Village - Nawadih, P.S - Sirdalla, District - Nawada.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Madhu Prasun
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Office pointed out that though the notice has been validly served upon the opposite party no. 2 but nobody has appeared 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 of anticipatory bail vide order dated 08.10.2021 passed by learned Special Judge



(SC/ST Prevention of Atrocities Act)-cum- Additional District and Sessions Judge First, Nawada, in connection with SC/ST P.S. Case No. 19 of 2021 registered under Sections 341, 323, 308, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they abused the informant taking caste name and also assaulted her and her sister-in-law. There is further allegation that one Ram Prasad hit her father-in-law head by stick due to which his head was injured.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. He submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste. He submits that there is admitted land dispute between the parties. He submits that there is case and counter case between the parties in which both sides sustained injuries. Learned counsel for the appellants 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. Appellants have got no criminal antecedent as mentioned in para 3 of the bail application.

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

Considering the facts and circumstances of the case and the fact that both the sides have sustained grievous injury and there is admitted land dispute, let the above named appellants, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 Special Judge (SC/ST Prevention of Atrocities Act)-cum- Additional District and Sessions Judge First, Nawada, in connection with SC/ST P.S. Case No. 19 of 2021, 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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