

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.918 of 2023

Arising Out of PS. Case No.-56 Year-2019 Thana- SC/ST District- East Champaran

1. Mahesh Pandey Son Of Late Rambaran Pandey R/O Vill.- Madhopur Hari, P.S.- Rajepur, Distt.- East Champaran
2. Jaleshwar Pandey Son Of Late Rambaran Pandey R/O Vill.- Madhopur Hari, P.S.- Rajepur, Distt.- East Champaran
3. Avadhesh Pandey Son Of Jaleshwar Pandey R/O Vill.- Madhopur Hari, P.S.- Rajepur, Distt.- East Champaran
4. Ramesh Pandey Son Of Jaleshwar Pandey R/O Vill.- Madhopur Hari, P.S.- Rajepur, Distt.- East Champaran
5. Shani Kumar Pandey @ Bablu Kumar Pandey @ Bablu Pandey Son Of Mahesh Pandey R/O Vill.- Madhopur Hari, P.S.- Rajepur, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Brahmdev Paswan Son Of Suvanshi Paswan R/O Vill.- Maniyarpur, P.S.- Rajepur, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Rathore@ Kundan Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the State submits that he has complied with the order dated 22.03.2023 but nobody appears on behalf of the 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 in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail



vide order dated 02.11.2022, passed by learned Special Judge SC/ST, East Champaran, Motihari in Motihari SC/ST P.S. Case No. 56 of 2019 for the alleged offences registered under sections 341, 323, 354(A), 379, 504, 34 of the Indian Penal Code and section 3(1) (f)(r)(s) w(i) of the S.C./S.T. Act.

Appellants along with other accused persons are said to have assaulted the informant and his wife and also abused them by taking caste name.

Learned Counsel for the appellants submits that appellants is innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties. There is 4 days delay in lodging the FIR. He 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. The appellants have criminal antecedent.

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



Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, 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 Special Judge SC/ST, East Champaran, Motihari in Motihari SC/ST P.S. Case No. 56 of 2019, 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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