

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.765 of 2023**

Arising Out of PS. Case No.-1052 Year-2021 Thana- COMPLAINT CASE District- Banka

Jai Prakash Narayan @ Jai Prakash Yadav S/O Mangal Yadav R/O- Harna Kundi Road, Kewat Para, Purana Dumka, Masalia, District- Dumka, State - Jharkhand

... .. Appellant/s

Versus

1. The State of Bihar
2. Bholi Harijan S/O Anirudh Harijan R/V- Lahoria Gopalpur, P.S.- Rajaun, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nisha Singh
For the Respondent/s : Mr.Binay Krishna

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

4 28-06-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

In view of the earlier order dated 03.05.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 21.11.2022, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Banka in connection with Complaint Case No. 1052 of 2021, registered under Sections 147, 504, 355, 506 of the IPC



and Sections 3(i) (xv) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due to land dispute. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that the appellant is a teacher in Jharkhand. 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. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal.

However, learned Special P.P. 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 above named appellant 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 the



learned Additional Sessions Judge-I-cum-Special Judge, SC/ST
Act, Banka in connection with Complaint Case No. 1052 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
the appeal is allowed.

(Anjani Kumar Sharan, J)

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