

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.814 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Sanjeev Kumar Lal S/O Late Bake Bihari Lal R/O Village- Kaushiki Nath Jha Lane, Champanagar, Ward No. 6, P.S.- Nathnagar, Distt- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prabhash Kumar Nirala S/o Late Sitaram Rajak R/o Village- Tetiya, P.S.- Tetiya Bamber, Distt- Munger presently residing at Near Railway Western Cabin, Quarter no. -121, Distt- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Navjot Yesu
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 10.01.2023 passed by learned Additional Sessions Judge-3rd-cum-learned Special Judge, SC/ST, Bhagalpur in connection with Nathnagar P.S. Case No. 493 of 2022 registered under Sections 341, 323, 420, 406, 354(B), 379 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Learned Spl. PP for the State, in compliance of order dated 22.03.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

Allegation against the appellant that he took Rs. 6,75,000/- from the informant for registration of a land, but he did not perform his job. When informant along with his wife went to house of appellant for asking about his money appellant and his family members abused them by taking caste name and assaulted them.

Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste. He submits that the Sale Deed has already been executed in favour of the wife of the informant, a copy of the said Sale Deed is enclosed as Annexure-2 of the memo of the appeal. He submits that there is admitted land dispute between the parties. Learned counsel for the appellant relied upon the judgment of Hon'ble Apex Court passed in the case of ***Hitesh Verma vs. State of Uttrakhand*** and another reported in ***(2020) 10 SCC 710***. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.



Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case and the judgment of Hon’ble Apex Court passed in the case of *Hitesh Verma* (supra), 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 learned Additional Sessions Judge-3rd-cum-learned Special Judge, SC/ST, Bhagalpur in connection with Nathnagar P.S. Case No. 493 of 2022, 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)

anand/-

U		T	
---	--	---	--

