

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.920 of 2023**

Arising Out of PS. Case No.-587 Year-2022 Thana- MANER District- Patna

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Bhuneshwar Mahto S/O Shiv Nandan Mahto Resident Of Village- Ahiyapur,  
Gyaspur, P.S.- Maner, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaggu Choudhary S/O Late Nathun Choudhary Resident Of Village-  
Ahiyapur, Gyaspur, P.S.- Maner, District- Patna.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Amresh Kumar Sinha  
For the Respondent/s : Mr.Sadanand Paswan

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

3      10-05-2023                      Heard learned counsel for the appellant 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 06.01.2023, passed by learned Exclusive  
Special Court, SC/ST, Patna in Maner P.S. Case No. 587 of  
2022 for the alleged offences registered under sections 341, 323,  
324, 307, 379, 504, 506/34 of the Indian Penal Code and section



3(1) (r)(s) of the S.C./S.T. Act.

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

Learned Counsel for the appellant submits that appellant is innocent and has 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 21 days delay in lodging the FIR. 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 appellant has no 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 appellant named above, in the event of his 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) with two sureties of



the like amount each to the satisfaction of the learned Exclusive  
Special Court, SC/ST, Patna in connection with Maner P.S. Case  
No. 587 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)**

devendra/-

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