

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1846 of 2021

Arising Out of PS. Case No.-17 Year-2019 Thana- SC/ST District- Muzaffarpur

MILI DEVI @ LATIKA SHARMA Wife of Late Rajesh Kumar Chaudhary
Resident of Mohalla -117/85, Jaganath Singh Lane, Chaudhary Tola,
Sampatchak, Police station - Sultanganj (Mahendru Patna), District - Patna.
... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. Pramod Ram Son of Kishuni Ram Resident of Village - Methaura @
Mathurapur, P.S. - Sakra, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Mazharul Hassan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-02-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State assisted by learned
counsel for the respondent no.2.

Learned counsel for the appellant is directed to
remove the defects, if any, with four weeks.

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 25.09.2020 passed by learned Addl. Sessions
Judge-III-cum Special Judge, Muzaffarpur in connection with
Muzaffarpur Sakra P.S. Case No. 17/2019, registered under
Sections 406, 420, 323, 504 and 34 of the Indian Penal Code
and Section 3(i)(x) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that vide order dated 15.07.2021 the appellant was granted provision bail. It is further submitted that the appellant have no concern with the aforesaid occurrence. There is civil dispute between the parties. He relied upon the judgment of Hon'ble Apex Court in the case of *Hitesh Verma vs. State of Uttarkhand and another reported in (2020) 10 SCC 710*. There is admitted land dispute between the parties. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposed the prayer for bail and submits that the appellant has cheated the injured person.

In the facts and circumstances of the case, the provisional bail granted to the appellant vide order dated 15.07.2021 is hereby confirmed.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

ajay/-

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

