

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1098 of 2023

Arising Out of PS. Case No.-57 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

1. LAL BIHARI YADAV Son of Nanhku Yadav R/O Gamahariya, P.S.- Adhaura, District - Bhabua at Kaimur
2. Bharat Yadav Son of Nanhku Yadav R/O Gamahariya, P.S.- Adhaura, District - Bhabua at Kaimur
3. Raj Kumar Yadav Son of Nanhku Yadav R/O Gamahariya, P.S.- Adhaura, District - Bhabua at Kaimur
4. Chanda Devi Wife of Lal Bihari Yadav R/O Gamahariya, P.S.- Adhaura, District - Bhabua at Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushilya Kuwar Wife of Late Madho Bhagriya R/O Village - Gamahariya, P.S.- Adhaura, District - Bhabua at Kaimur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar Seth
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Jitendra Kumar Giri

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard learned counsel for the appellants, learned counsel for the respondent no.2 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 07.01.2023 passed by learned Additional District and Sessions Judge – I cum Special Judge Kaimur at Bhabua, in connection



with Adhaura P.S. Case No.57 of 2022, registered under Sections 341, 323, 307, 504, 506, 427, 34 of the Indian Penal Code and Section 3(i) (g) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegedly, the appellants alongwith other co-accused persons assaulted the informant by means of deadly weapons and also abused her by taking caste name.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties. Appellant no.1 has one criminal antecedent and rest of the appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable.



Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is a 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 Additional District and Sessions Judge – I cum Special Judge Kaimur at Bhabua, in connection with Adhaura P.S. Case No.57 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)

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