

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1929 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- SC/ST BETTIAH District- West
Champaran

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1. Harun Miyan Son Of Mangani Miyan R/O Majhariya, P.S.- Shikarpur, Dist.- West Champaran.
 2. Gulrena Khatoon @ Gulnara Khatoon Wife Of Harun Miyan R/O Majhariya, P.S.- Shikarpur, Dist.- West Champaran.
 3. Shamser Miyan Son Of Niamuddin Miyan R/O Village- Gadiyani Dhumnagar, P.S.- Shikarpur, Dist.- West Champaran.
 4. Modina Khatoon Wife Of Niamuddin Miyan R/O Village- Gadiyani Dhumnagar, P.S.- Shikarpur, Dist.- West Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 22.01.2021, passed by learned Additional District & Sessions Judge, 1st-cum-Special Judge, West Champaran at Bettiah in connection with Bettiah (SC/ST) P.S. Case No.22 of 2020,



registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(ii)(v-a) of the SC/ST Act.

The appellants and other co-accused persons are said to have abused the informant by naming his caste. When the informant objected, the appellants assaulted him with slippers and fists. It is also alleged that the appellants took out Rs.10,000/- from the pocket of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is admitted land dispute between the parties, which fact is not denied by learned counsel for the informant. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court passed in the case of Hitesh Verma Vs. State of Uttarakhand & Anr., reported in 2020 (10) SCC 710.

Learned Special P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for grant of anticipatory bail to the appellants. It is submitted by learned counsel for the informant that charge-sheet has already



been submitted in the case, therefore, the instant appeal is not maintainable.

Having considered the facts aforesaid, let appellants, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, West Champaran at Bettiah in connection with Bettiah (SC/ST) P.S. Case No.22 of 2020, subject to the conditions 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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