

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1257 of 2023**

Arising Out of PS. Case No.-513 Year-2022 Thana- OBRA District- Aurangabad

SURESH PRAJAPATI Son of Mangru Prajapati Resident of village, P.O. and
P.S.- Obra, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Manju Devi Wife of Satendra Ram Resident of village, P.O. and P.S.- Obra,
District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Pd. Singh, Sr. Adv Mr. Binay Kumar Singh, Adv
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard the parties.

In compliance of the order dated 25.05.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/her behalf.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 03.01.2023, passed by learned 1st Additional District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad in connection with SC/ST P.S. Case No.513 of 2022, registered u/s



323, 341, 506, 448, 427, 379, 325, 34 and 504 of the Indian Penal Code and 3(i)(r)(s)/(2)(va) of S.C./S.T. Act.

Allegedly, the appellants alongwith 15-20 unknown accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

Learned senior counsel for the appellants 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 general and omnibus allegation against the appellant. There is an admitted land dispute between the parties. Appellant has 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 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 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 1st Additional District and Sessions Judge-Cum-Special Judge (SC/ST), Aurangabad in connection with SC/ST P.S. Case No.513 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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