

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1949 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- SC/ST District- Madhubani

JITENDRA SINGH @ JITENDRA KUMAR SINGH Son of Late Mod. Narayan Singh Resident of Village - Sujatpur, Police station - Madhwapur, District - Madhubani.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Balbodh Ram son of late Sukhdeo Ram R/O village- Sujatpur, P.S.- Madhwapur, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jagdish Prasad Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Md. Soban Asghar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-03-2023 Heard the parties.

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 19.01.2021, passed by learned 1st Additional Sessions Judge, Madhubani arising out of Madhubani SC/St P.S Case No.36 of 2020 (GR No.143 of 2020), registered under sections 341, 323, 354, 379, 504, 506 of the Indian Penal Code and 3(i)(r)(s), 3 (2) (va) of S.C./S.T. Act.

Allegedly, the appellant assaulted the informant’s side and also abused them by taking caste name.



Learned Counsel for the appellants submits that appellant is innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is general and omnibus allegation against the appellants. He further submits that there is an admitted land dispute between the parties and he has enclosed the *Khatiyān* as Annexure-2 of the memo of appeal. He further submits that the informant/complainant and his agnates forcibly took possession where upon the appellant protested, on account of which this case has been instituted against the appellant. 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 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 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 1st Additional Sessions Judge, Madhubani arising out of Madhubani SC/ST P.S Case No.36 of 2020 (GR No.143 of 2020), 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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