

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1147 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Renu Devi Wife Of Mukesh Rai R/V- Pahadigacchi, Paharichak, Ps-
Muffasil, Dist- Begusarai
 2. Madhav Rai Son Of Late Shib Nath Rai R/V- Pahadigacchi, Paharichak, Ps-
Muffasil, Dist- Begusarai
 3. Mukesh Kumar Patel @ Mukesh Rai Son Of Late Shib Nath Rai R/V-
Pahadigacchi, Paharichak, Ps- Muffasil, Dist- Begusarai
 4. Rajeev Kumar @ Rajeev Rai Son Of Sambhu Rai R/V- Pahadigacchi,
Paharichak, Ps- Muffasil, Dist- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Nunulal Das Son of Late Ramswaroop Das R/V- Pahadigacchi, PS- Muffasil,
Dist- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shubhesh Pandey, Adv.
For the State	:	Mr.Binay Krishna, Spl. PP.
For the respondent No. 2	:	Ms. Sweta Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 20-12-2023 Heard learned counsel for the appellants, respondent
no. 2 and learned Spl. P.P. for the State.

2. 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 for anticipatory bail
vide order dated 08.02.2023, passed by learned Special Judge
SC/ST (POA) Act, Begusarai in Begusarai Muffasil P.S. Case
No. 597 of 2022 for the alleged offences registered under
sections 447, 341, 323, 354(b), 387, 506/34 of the Indian Penal



Code and sections 3(1) (g), (v), (s), 3 (2)(VA) S.C./S.T. Act.

3. Appellants are said to have assaulted the informant and his daughter-in-law and also outraged the modesty of his daughter-in-law.

4. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to land dispute. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties. This fact has not been denied by the learned counsel for the respondent no. 2. Learned counsel for the appellants further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. The appellants have no criminal antecedent.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that all the accused persons have assaulted the informant and outraged the modesty of the daughter-in-law of the informant.

6. Considering the facts and circumstances of the case and the fact that there is admitted land dispute, 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 Exclusive Special Judge SC/ST (POA) Act, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 597 of 2022, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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