

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1364 of 2023

Arising Out of PS. Case No.-79 Year-2020 Thana- SC/ST District- Darbhanga

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1. SHARBAN SHARMA Son of Lalo Sharma Resident of Village-Ghorsar, Police Station Kusheshwar Asthan, District-Darbhang
 2. SACHIN SHARMA @ SACHIN KUMAR SHARMA Son of Lalo Sharma Resident of Village-Ghorsar, Police Station Kusheshwar Asthan, District-Darbhang
 3. MALIK SHARMA @ SANJEEV SHARMA Son of Lalo Sharma Resident of Village-Ghorsar, Police Station Kusheshwar Asthan, District-Darbhang
 4. SUNIL SHARMA Son of Late Deo Narayan Sharma Resident of Village-Ghorsar, Police Station Kusheshwar Asthan, District-Darbhang

... .. Appellant/s

Versus

1. The State of Bihar
2. BECHHAN SADA Son of Late Bhola Sada Resident of Village-Battaoo, Police Station-Kusheshwar Asthan, District-Darbhang

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjit Kumar Yadav, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. In compliance of the order of this Court, learned Spl.P.P.
for the State informed the informant about his appearance in this
case but nobody entered appearance on his behalf.

3. 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



16.12.2022, passed by learned 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in connection with SC/ST P.S. Case No.79 of 2020, SC/ST/GR Case No.182/2020, registered u/s 341, 342, 323, 324, 504, 506, 34 of the IPC and sections 3(i)(r)/ 3(i)(s) of the SC/ST Act.

4. As per the prosecution case, the informant was working as labour in the house of one Sadanand Singh. All accused persons with common intention, threatened the informant to stop the construction work and on protest, they abused him by caste name. Thereafter, the accused persons assaulted the informant with lathi and danda. Appellant no.1 wrapped gamcha around his neck and started dragging him and appellant no.2 assaulted him with iron rod.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. There is an admitted land dispute between the parties. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to abuse the informant by taking his caste name. Relying upon the judgment of the Apex Court in the



case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case, since there is 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 3rd Additional Sessions Judge-cum-Exclusive Special Judge, SC/ST (POA) Act, Darbhanga, in connection with SC/ST P.S. Case No.79 of 2020, SC/ST/GR Case No.182/2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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