

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1328 of 2023

Arising Out of PS. Case No.-53 Year-2021 Thana- SC/ST District- Purnia

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Sourav Singh Son Of Ramchandra Singh @ Ramchandra Prasad Singh
Resident Of Mohalla - Sipahi Tola, P.S - K. Hat, District - Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. Neka Marandi Son Of Late Mangal Marandi Resident Of Village - Sahwan
Khut, P.S. - B. Kothi, Distt. - Purnea.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bijendra Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2023 Heard learned counsel for the appellant, respondent
no. 2 and learned Spl. P.P. for the State.

2. Learned counsel for the appellant undertakes to
remove the defect(s) as pointed out by the office within two
weeks.

3. 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 09.12.2022, passed by learned Special Judge,
SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 53
of 2021 for the alleged offences registered under sections 341,
323, 325, 380, 448, 427, 504, 506/34 of the Indian Penal Code



and section 3(1) (r) (s) S.C./S.T. Act.

4. Appellant is said to have abused the informant by taking caste name and also assaulted him.

5. Learned Counsel for the appellant 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 an admitted land dispute between the parties which is clear from annexure-2 of the memo of appeal. Learned counsel for the appellant 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 appellant has criminal antecedent as stated in para-3 of the memo of appeal.

6. Learned Spl.PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the appellant has five criminal antecedents.

7. Considering the facts and circumstances of the case and the fact that there is admitted 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 Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 53 of 2021, 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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