

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1400 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- VAISHALI District- Vaishali

1. RAHUL KUMAR Son of Satyendra Prasad Sah Resident of village - Majghauli, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
2. Rohit Kumar Son of Satyendra Prasad Sah Resident of village - Majghauli, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
3. Varun Kumar Son of Virchandra Singh Resident of village - Muja Pakari, P.O.- Kameji, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
4. Priyanka Kumari Daughter of Satyendra Prasad Sah Wife of Jitendra Kumar Sah, Resident of village - Simara Mansurpur, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
5. Yashmanti Devi @ Yeswanti Devi Wife of Satendra Prasad Sah Resident of village - Majghauli, P.S.- Vaishali (Belsar O.P.), District - Vaishali.
6. Shila Devi Wife of Vijay Kumar Sah Resident of village - Majghauli, P.S.- Vaishali (Belsar O.P.), District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramdev Ram Son of Late Rajender Ram Resident of village - Dharmpur Jarang, P.S.- Vaishali (Belsar O.P.), District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Namrata Mishra
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special P.P. for the State informs this Court
that the present FIR is lodged by the chaukidar of the Belsar
Thana, therefore, no notice is required to the informant as the
informant is represented by the Special P.P. for the State itself.

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 of anticipatory bail vide order dated 30.01.2023 passed by learned Special Judge SC/ST, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 468/2022, registered under Sections 341, 342, 323, 332, 353, 307, 188, 504 and 506/34 of the Indian Penal Code and Section 3 (1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. From bare perusal of the F.I.R. it is evident that there is admitted land dispute between the parties. He relies upon the judgment of the Hon'ble Apex Court passed in the case of '*Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*'. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 468/2022, 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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