

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2379 of 2021**

Arising Out of PS. Case No.-517 Year-2020 Thana- RANIGANJ District- Araria

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1. MD. MOKIM @ MD. MOKIB @ MD. MOKIL S/O LATE MD. SAHIMUDDIN R/o village- Rampur Ward No. 03, P.S.- Raniganj, District- Araria
  2. Md. Jamil S/o Late Md. Sahimuddin R/o village- Rampur Ward No. 03, P.S.- Raniganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Risideo S/O Srilal Risideo R/O Village-Hasanpur Baludheema Ward No.-03, P.S-Raniganj, District-Araria.

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s  | : | Mr.Mukesh Kumar Rana, Adv.                         |
| For the Respondent/s | : | Mrs. Usha Kumari 1, Spl.PP.<br>Mr. Raj Kumar, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      28-06-2023      Heard the parties.

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 17.02.2021 passed by learned 1<sup>st</sup> Additional Sessions-cum-Special Judge, Araria in connection with Raniganj P.S. Case No. 517 of 2020 registered under Sections 341, 323, 327, 384, 385, 447, 504, 506/34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

Allegedly, after some altercation, the appellants along with other accused persons came at the land of the informant and started abusing him by taking his caste name. They also assaulted the informant with lathi-danda.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. The appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710**. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

Considering the argument of the parties, as there is an admitted land dispute between the parties, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions-cum-Special Judge, Araria in connection with Raniganj P.S. Case No. 517 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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