

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1489 of 2023

Arising Out of PS. Case No.-618 Year-2022 Thana- MAHUA District- Vaishali

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1. Chandra Shekhar Sah Son Of Ram Parvesh Sah Resident Of Village Kampura, P.S.-Mahuha, District-Vaishali
 2. Ram Parvesh Sah Son Of Late Ganga Sah Resident Of Village Karnpura, P.S.-Mahuha, District-Vaishali
 3. Dipak Kumar Son Of Ganesh Sah Resident Of Village Karnpura, P.S.-Mahuha, District-Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Virendra Manjhi Son Of Baleshwar Manjhi Resident Of Village Karanpura, P.S.-Mahua, District-Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar Singh, Sr. Adv. Ms. Akrity Aishwarya, Adv. Mr. Manish Kumar Singh, Adv. Mr. Kundan Kumar, Adv.
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned senior counsel for the appellants and learned Spl. P.P. for the State.

In view of the earlier order dated 19.04.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

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 24.02.2023, passed by learned Special Judge SC/ST Vaishali at Hajipur in connection with Mahua P.S. Case No. 618 of 2022 for the alleged offences registered under Sections 341, 323, 354 of the Indian Penal Code and section 3(1) (r) (s) (w) S.C./S.T. Act.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to land dispute. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that occurrence took place on 18.09.2022 but the FIR has been lodged on 25.09.2022 after delay of 7 days without explaining any reasonable cause of delay. 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.

Learned Spl.PP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Vaishali at Hajipur in connection with Mahua P.S. Case No. 618 of 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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