

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1235 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SC/ST District- Araria

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DINESH PRASAD SINGH @ DINESH PR. SINGH @ DINESH PD. SINGH @ DINESH YADAV Son of Late Chandrika Prasad Singh @ Chandedal Yadav @ Chandka Yadav Resident of Village - Belsara, Ward No.- 9, P.S.- Raniganj, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sushil Paswan Son of Kusumlal Paswan Resident of Village - Belsara, Ward No.- 9, P.S.- Raniganj, District - Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Gopal Kumar Jha
For the Respondent/s	:	Mrs.Usha Kumari 1
	:	Mr. Anamul Haque

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 15-02-2023 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 15.02.2022 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Araria SC & ST P.S. Case No. 01/2022, registered under Sections 341, 323, 467, 468, 420, 504 and 506 of the Indian



Penal Code and Section 3(i)(r)(s)(G) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is land dispute between the parties and this fact is also not denied by learned counsel for the respondent no.2. Learned counsel for the appellant relied upon the judgment of Hon'ble Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710*. Appellant has got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposed the prayer for bail and submits that the appellant abuse the respondent no.2 by taking caste name.

In the facts and circumstances of the case, let the above named appellant, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with



Araria SC & ST P.S. Case No. 01/2022, 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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