

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2256 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- SC/ST District- Kaimur (Bhabua)

1. RAM SURAT PANDEY Son of Late Ramdhari Pandey Resident of Village - Damodarpur, P.S.- Karamchat, District - Kaimur at Bhabua.
2. Abhishek Pandey Son of Sudama Pandey Resident of Village - Damodarpur, P.S.- Karamchat, District - Kaimur at Bhabua.
3. Raju Pandey Son of Sudama Pandey Resident of Village - Damodarpur, P.S.- Karamchat, District - Kaimur at Bhabua.
4. Subhash Pandey @ Shbhansu Kumar Pandey Son of Sudama Pandey Resident of Village - Damodarpur, P.S.- Karamchat, District - Kaimur at Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Pratap Singh, Adv.
For the Respondent/s	:	Mrs.Usha Kumari No.1, Spl.P.P.
For the Informant	:	Mr.Rakesh Kumar No.1, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 26-07-2023 Heard learned counsel for the appellants, learned counsel for the informant and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, informant was informed about her appearance in this appeal by the learned Spl.P.P. for the State but nobody appears on her behalf.

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 27.02.2021, passed by learned Additional Sessions Judge 1st



cum Special Judge, Kaimur at Bhabua, in connection with SC/ST (Bhabua) P.S. Case No.35 of 2020, registered u/s 341, 323, 354/34 of the IPC, section 1(1)(f)(g)(r)(s)(w)/ 3(2)(va) of the SC/ST Act.

4. The prosecution case is that when the informant was ploughing her field, the appellants came armed with lathi and danda and started abusing the informant by caste names. On protest, they assaulted her. It is alleged that appellant nos.1 and 2 dragged her.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as there is no specific overt act against the appellants to abuse the informant. There is an admitted land dispute between the parties. Relying upon the judgment of the Apex Court in the case of **Hitesh Verma vs. State of Uttarakhand & Anr.** reported in **2020 (10) SCC 710**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. Appellants have one criminal antecedent.



6. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail but have not denied the fact that there is land dispute between the parties.

7. Considering the facts and circumstances of the case, considering the case of *Hitesh Verma (supra)*, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabua, in connection with SC/ST (Bhabua) P.S. Case No.35 of 2020, 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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