

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1310 of 2022**

Arising Out of PS. Case No.-266 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Sanoj Sah @ Sanoj Sahu Son Of Late Shivdhari Sah R/O Village- Bardauni,
P.S.- Bithan, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Jana Paswan Son Of Sukdev Paswan R/O Village- Bardauni, P.S.- Bithan,
District- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar
For the Respondent/s : Mr. Binay Krishna

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

3 15-03-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Learned Spl. PP for the State, in compliance of order
dated 15.02.2023, informed the informant/complainant. Nobody
appeared on behalf of the informant/complainant.

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 31.03.2022 passed by learned Special Judge,
SC/ST (POA) Act, Samastipur, in connection with C.R. No. 266
of 2019 registered under Sections 341, 323, 504 of the Indian



Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant that he along with other co-accused started constructing boundary around the land of complainant with bamboo and when complainant opposed accused persons started to assault and abused him by taking his caste name and threatened him to murder.

Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. He 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. Appellant has got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellant abuses the respondent no. 2/informant by taking caste name.

In the facts and circumstances of the case and the order of the Hon'ble Apex Court passed in case of **Hitesh**



Verma (supra), 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 Special Judge, SC/ST (POA) Act, Samastipur, in connection with C.R. No. 266 of 2019, 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)

anand/-

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