

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1834 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. MUKESH KUMAR S/o- Ram narayan Ray Resident of Village - Magardahi Kharidabad, P.S.- Muffasil, District - Samastipur.
 2. Sanjeet Kumar S/o- Ram Bilash Rai Resident of Village - Magardahi Kharidabad, P.S.- Muffasil, District - Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Arvind Kumar son of late Devki Ray vill-Musapur, ward no. 06, P.S.- Mufasil, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajeev Ranjan, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP. Mr. Santosh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-02-2023 Heard the parties.

Learned counsel for the appellants is directed to remove the defects within four weeks.

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 29.03.2022 passed by learned Special Judge (POA) Act, Samastipur in connection with Muffasil P.S. Case No. 23 of 2022 registered under Sections 341, 323, 385, 387, 504, 506/34 of the Indian Penal Code, Section 3(1)(r)(s) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act and u/s 27 of the Arms Act.

Allegedly, appellants are said to have assaulted the informant side by leg and fist. They also demanded rangdari from the informant and threatened the informant to kill him.

It is submitted by learned counsel for the appellants that appellant are quite innocent and have committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Prior to this case, appellant no.1 Mukesh Kumar has registered an FIR against the friends of informant. He further submits that the informant side has not sustained any assault as alleged in the FIR. There is admitted land dispute between the parties. Learned counsel for the appellants relied upon the judgment of the 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 this memo of appeal.



Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case, as there is admitted land dispute between the parties, the above named appellants, in the event of thier 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/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Samastipur Muffasil P.S. Case No. 23 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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