

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3094 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- MAHNAR District- Vaishali

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1. BIRJU SINGH Son of Babulal Singh Resident of Village - Deshrajpur, P.S.- Mahnar, District - Vaishali.
 2. Virchandra Singh Son of Babulal Singh Resident of Village - Deshrajpur, P.S.- Mahnar, District - Vaishali.
 3. Amarjeet Singh Son of Birju Singh Resident of Village - Deshrajpur, P.S.- Mahnar, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajeev Manjhi Son of Deena Manjhi R/o Vill.- Deshrajpur, P.S. - Mahnar, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bishwajeet Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-01-2023 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

In view of order dated 10.05.2022, notice was issued upon respondent no.2, which was received by his father and in this regard learned counsel for the appellant has filed a supplementary affidavit to show jointness of respondent no.2 and his father. At para-4 of the affidavit, it is mentioned that informant and his father are joint for all practical purposes.

Accordingly, notice is hereby considered to be validly



served and that despite valid service of notice, nobody appears on behalf of respondent no.2.

This is an appeal under section 14A (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 03.07.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with Mahnar P.S. Case No.15 of 2021, registered u/s 341, 323, 337, 504, 307, 34 of the IPC and sections 3(v)(r)(s) of the SC/ST Act.

Allegedly, the FIR named accused persons including the appellants at the first instance abused the informant and when he forbade them from abusing, then all the accused started assaulting the informant by lathi, danda, fists and slaps.

It is submitted by learned counsel for the appellant 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 have abused the informant. It is submitted that there is an admitted land dispute



between the parties and also there is case and counter-case between them. In the alleged occurrence both sides have sustained injuries. 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 no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail by submitting that appellants have abused the informant by taking caste name.

Considering the facts and circumstances of the case and on perusal of the record, it is clear that that there is no specific overt act against the appellants to abuse the informant by taking caste name and the injuries are also simple in nature, accordingly, 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, is directed to 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 1st Additional Sessions Judge-cum-Special Judge, Vaishali at Hajipur, in connection with Mahnar P.S. Case No.15 of 2021, 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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