

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2407 of 2023

Arising Out of PS. Case No.-117 Year-2022 Thana- MUFFASIL District- West Champaran

1. RANU YADAV son of Late Ranu Yadav Village- Parbatia Tola Ps- Mufassil Dist- West Champaran
2. Subodh Yadav son of Ranu Yadav Village- Parbatia Tola Ps- Mufassil Dist- West Champaran
3. Amodh Yadav son of Ranu Yadav Village- Parbatia Tola Ps- Mufassil Dist- West Champaran
4. Subhash Singh son of Raja Singh Village- Belbag Banwa Tola Ps- Mufassil Dist- West Champaran
5. Vishal Singh son of Subhash Singh Village- Belbag Banwa Tola Ps- Mufassil Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Jitendra Ram son of Late Nathuni Ram Village- Belbag Banwa Tola Ps- Mufassil Dist- West Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 13-12-2023 Heard the parties.

2. Though Vakalatnama is filed on behalf of the O.P. No.2 but nobody appears on his behalf.

3. This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 05.04.2023, passed by learned Additional District



and Sessions Judge-I cum Special Judge (SC and ST Act), Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No.117 of 2022, registered under sections 323, 341, 324, 34, 506 and 504 of the Indian Penal Code and 3.1(r)(s) of S.C./S.T. Act.

4. Allegedly, the appellants along with other accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

5. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is no specific overt act against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties and a title suit is also pending between them. Appellant no.1 has three criminal antecedent, appellant no.2 has two criminal antecedent and appellant nos.3, 4 and 5 have no criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. Relying upon the judgment of the Hon'ble Apex Court in **Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 Supreme Court Cases 710.**, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail



is maintainable.

6. Learned Spl.PP for the State opposed the prayer for bail.

7. Considering the facts and circumstances of the case as well as considering that there is a land dispute between the parties, 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 District and Sessions Judge-I cum Special Judge (SC and ST Act), Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No.117 of 2022, 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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