

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2119 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- SC/ST District- Araria

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1. ANITA DEVI W/o Dinesh Kumar Sah Resident of Professor Coloney, Ward No. 25, P.S.- Forbesganj, District- Araria.
 2. Avinaw Arunesh S/o Dinesh Kumar Sah Resident of Professor Coloney, Ward No. 25, P.S.- Forbesganj, District- Araria.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Mahendra Paswan S/o Late Baldeo Paswan R/o village- Dholbajja, Ward No. 11, Katahara, P.S.- Forbesganj, District- Araria.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Anil Prasad Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Madan Mohan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 21-02-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 07.06.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.10 of 2022, registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(s)(G) of



the SC/ST Act.

The appellants and other co-accused persons are said to have abused the informant by naming his caste.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that there is admitted land dispute between the parties. Learned counsel for the appellants relies upon the judgment of the Hon'ble Apex Court passed in the case of *Hitesh Verma Vs. State of Uttarakhand & Anr.*, reported in *2020 (10) SCC 710*.

Learned Special P.P. for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellants.

Having considered the fact that there is admitted land dispute between the parties, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-



Special Judge, Araria in connection with Araria SC/ST P.S. Case
No.10 of 2022, subject to the conditions 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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