

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2815 of 2023

Arising Out of PS. Case No.-69 Year-2015 Thana- HARSIDHI District- East Champaran

1. BHIKHARI RAI S/O LATE JAGDEO YADAV R/O Village- Jail Murarpur Tola Jagir P.S- Harsidhi, Distt.- East Champaran.
2. Vinod Yadav S/O Bhikhari Rai R/O Village- Jail Murarpur Tola Jagir P.S- Harsidhi, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Devi W/O Dahari Ram R/O Village- Jail Murarpur Tola Jagir P.S- Harsidhi, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh, Adv.
For the Respondent/s : Mr.Ramchandra Singh, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though the notice has validly been served upon the
respondent no.2, but nobody appears on her behalf.

3. 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 23.03.2023 passed by learned Special Judge
SC/ST (POA) Act, East Champaran in connection with Harsidhi
P.S. Case No. 69 of 2015 registered under Sections 341, 342,



147, 148, 149, 447, 323, 452, 354, 380, 504 of the Indian Penal Code and Section 3/4 (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, due to land dispute, all the accused persons including the appellants came to the informant and started abusing her by taking her caste name and assaulted her and her family members brutally. They also tried to outrage the informant's modesty and committed loot in her house.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties, which is evident from the impugned order. There is general and omnibus allegation of slating the informant in the specific name of her caste. He has further 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 memo of appeal.



6. Learned Spl. PP for the State opposes the prayer for bail, but fairly submits that there is land dispute between the parties.

7. In the facts and circumstances of the case, as there is land dispute between the parties, the above named appellants, 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 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, East Champaran in connection with Harsidhi P.S. Case No. 69 of 2015 , 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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