

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2551 of 2022

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

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1. JAI PRAKASH MANDAL @ DHANI RAM MANDAL Son of Late Nevalal Mandal Resident of Souriya, P.S- Dandkhora, Dist- Katihar
 2. Mantu Mandal Son of Jai Prakash Mandal @ Dhani Ram Mandal Resident of Souriya, P.S- Dandkhora, Dist- Katihar
 3. Kalu Mandal Son of Late Anandi Mandal Resident of Souriya, P.S- Dandkhora, Dist- Katihar
 4. Amit Kumar Mandal Son of Pramanand Mandal Resident of Souriya, P.S- Dandkhora, Dist- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Dheeriya Devi Wife of Dheeren Rai Resident of Village- Souriya, Ward No. 12, P.S- Dandkhora, Dist- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bhola Prasad, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-02-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Spl.PP for the State informs this Court that he informed the respondent no.2 but nobody appears on her behalf.

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 07.06.2022 passed by learned Additional Sessions Judge-I cum



Special Judge (SC/ST Act), Katihar in connection with SC/ST P.S. Case No. 10 of 2022 registered under Sections 323, 341, 504, 506, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case 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**. Appellant nos. 1 & 2 have one criminal antecedent whereas appellant no. 3 & 4 have no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

In the facts and circumstances of the case, since 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 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 Additional Sessions Judge-I cum Special Judge (SC/ST Act), Katihar in connection with SC/ST P.S. Case No. 10 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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