

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3020 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- JANTA BAZAR District- Saran

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1. VINOD SINGH @ BINOD SINGH SON OF LATE RAMAGYA SINGH
RESIDENT OF VILLAGE- AND PO- DAYALPUR, PS- JANTA BAZAR,
DISTT- SARAN
 2. KRISHNA SINGH @ KRISHNA KUMAR SINGH SON OF LATE
PARSHURAM SINGH RESIDENT OF VILLAGE- AND PO-
DAYALPUR, PS- JANTA BAZAR, DISTT- SARAN
 3. GAURI SHANKAR SINGH SON OF LATE RAMAGYA SINGH
RESIDENT OF VILLAGE- AND PO- DAYALPUR, PS- JANTA BAZAR,
DISTT- SARAN
 4. MURARI SINGH SON OF LATE PARSHURAM SINGH RESIDENT OF
VILLAGE- AND PO- DAYALPUR, PS- JANTA BAZAR, DISTT- SARAN
 5. NAZIR HUSSAIN SON OF RAJJAK MIYAN RESIDENT OF VILLAGE-
AND PO- DAYALPUR, PS- JANTA BAZAR, DISTT- SARAN

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAMESHWAR RAM SON OF LATE CHHATHU RAM RESIDENT OF
VILLAGE- AND PO- DAYALPUR, PS- JANTA BAZAR, DISTT- SARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Prakash Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-12-2023 Heard learned counsel for the appellants and learned
Special PP for the State.

2. Though Vakalatnama is filed on behalf of the
appellants but nobody appeared on his behalf.

3. After some arguments, learned counsel for the
appellant seeks permission to withdraw this appeal as against
the appellant no.1.



4. Permission is granted.

5. Accordingly, this appeal is dismissed as withdrawn.

6. However, if appellant no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law.

7. Now, this appeal is being heard with regard to the appellant nos.2 to 5 only.

8. 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 19.04.2023 passed by learned SC/ST/MP/MLA/Judge-cum-Additional Sessions Judge-3rd, Saran, in connection with Janta Bazar P.S. Case No.241 of 2022, registered under Sections 341, 342, 323, 504, 506, 34 of the Indian Penal Code, 27 of Arms Act and Section 3(1) (r) (s)/3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

9. Allegedly, the appellants and other co-accused persons are said to have brutally assaulted the informant's side by means of several weapons and also abused them by taking caste name.



10. It is submitted by learned counsel for the appellants that the appellants 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 no specific overt act against the appellants. There is an admitted land dispute between the parties. Appellants 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.

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

12. Considering the facts and circumstances of the case, since there is a land dispute between the parties, let the appellant nos.2 to 5 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 learnedSC/ST/MP/MLA/Judge-cum-Additional Sessions Judge-3rd, Saran, in connection with Janta Bazar P.S. Case No.241 of 2022, subject to the condition as laid down under section 438(2) of the Cr.P.C.

13. Accordingly, the impugned order is set aside and this appeal is partly allowed.

(Anjani Kumar Sharan, J)

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