

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3922 of 2021

Arising Out of PS. Case No.-519 Year-2020 Thana- BAIRIYA District- West Champaran

REYAZ MIYAN @ REYAZ AHMAD @ MD. REYAZ MIYAN SON OF
MD. SHAHID R/O VILLAGE- GANJ NO.1, NAYA TOLA, BETTIAH, P.S.-
BETTIAH TOWN, DISTRICT- WEST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakshmina Devi Wife of Bhooti Hazara R/o vill- Khushi Tola, Kheriyaghat
Ward no -5, P.S.- Bariya Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ayush Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1 Mr. Aditya Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 12-04-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 as well as learned Spl.P.P. for the State.

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 26.08.2021, passed by learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Bairiya P.S. Case No.519 of 2021, registered under sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and 3(i)(r)(s)/(2)(v) of S.C./S.T. Act.

Allegedly, the appellant alongwith other accused persons



assaulted the informant's son by means of deadly weapons and also abused him by taking caste name.

Learned Counsel for the appellant submits that appellant is innocent and has been falsely implicated in the present case. No such occurrence as alleged has ever taken place. There is general and omnibus allegation against the appellant. There is an admitted land dispute between the parties. Appellant has 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.

Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail.

Considering the facts and circumstances of the case, since there is a land dispute between the parties, let the appellant named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Additional District and



Sessions Judge-I-cum-Special Judge, SC/ST, Bettiah, West Champaran in connection with Bairiya P.S. Case No.519 of 2021, 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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