

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4277 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Samastipur

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1. RAM PUKAR SHAH S/o Shri Baidyanath Shah R/o village- Paroria, P.S.- Ujarpur, Samastipur- 848114
 2. Chandan Sah S/o Shri Munshilal Sah R/o village- Paroria, P.S.- Ujarpur, Samastipur- 848114

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Basant Chaudhary, Sr. Advocate Mr. Arvind Kumar, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP Mr. Mahendra Pratap, Adv

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 21-06-2023 Heard learned senior counsel on behalf of the appellants, learned counsel for the respondent no.2 as well as learned Special Public Prosecutor for the State.

Learned counsel for the appellants undertake to remove the defect(s) as pointed out by the Office.

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 10.09.2020, passed by learned Additional Sessions Judge-I, Samastipur in connection with Samastipur SC/ST P.S. Case No.28 of 2020, registered under sections 147, 149, 307,



323, 341, 354, 379, 504 & 506 of the Indian Penal Code and 3(i) (r), (s), (w) & 3(2)(va) of S.C./S.T. Act.

Allegedly, the appellants and other co-accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

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

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 appellants



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 learned learned Additional Sessions Judge-I, Samastipur in connection with Samastipur SC/ST P.S. Case No.28 of 2020, 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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