

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3495 of 2023**

Arising Out of PS. Case No.-122 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

-
1. SHAMBHU SHARAN SINGH son of Late Sukhdeo Singh Village- Laxshmipur, Shankar Saraiya Ps- Turkauliya Dist- East Champaran at Motihari
 2. Gauri Yadav @ Gauri Rai son of Late Bathakh Yadav Village- Shankar Saraiya Parsauna Ahir Tola Ps- turkauliya Dist- E. Champaran
 3. Sanjay Yadav son of Late Sukrit Rai Village- Laxmipur,Ps- Turkauliya Dist- E. Champaran at Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Bedami Devi wife of Kishore Manjhi Village- Shankar Saraiya Parsauna Mushari Tola Ps- Turkauliya Dist- E.Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Radha Mohan Singh, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Abhishek Kumar, Adv.

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

3 22-11-2023 **Re:- I.A. No.1 of 2023**

This interlocutory application has been filed for condoning the delay of 42 days in filing of this appeal.

2. Considering, the grounds taken in the interlocutory application satisfactory, the delay in filing of this appeal is hereby condoned.

3. Accordingly, I.A. No.1/2023 is hereby allowed and disposed of.

Re:- Cr. Appeal (SJ) No.3495 of 2023



4. Heard learned counsel for the appellants, learned counsel for the respondent no.2 and learned Spl.P.P. for the State.

5. 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 for anticipatory bail vide order dated 22.03.2023, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Complaint Case No.C-122 of 2021, registered u/s 323 of the IPC and sections 3(i)(r)(s) of the SC/ST Act.

6. As per the prosecution case, appellant no.1 was ploughing the field of the complainant by a tractor driven by the appellant no.3. Appellant nos.1 and 2 along with other accused persons threatened the complainant to kill her. On protest, appellant no.1 gave order to assault and abused her and pushed her on the ground. Thereafter, all the accused persons assaulted the complainant.

7. It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that there is an admitted land



dispute between the parties. It is submitted that the complainant has given wrong statement, it is true that earlier the complainant and her witnesses have got parcha of their respective lands but the same has been cancelled by an order passed by this Court in C.W.J.C. No.2976 of 1985 on 29.01.1997 and appellant no.1 purchased the said land through the landlord of the said land by a sale deed in the year 2011, which fact is not denied by the learned counsel for the respondent no.2, but the complainant and her supporters are disturbing the appellant since 2011. In this regard, learned counsel for the appellants has relief upon the judgment of the Apex Court in the case of ***Hitesh Verma vs. State of Uttarakhand & Anr.*** reported in ***2020 (10) SCC 710***. Appellant no.3 has no criminal antecedent, appellant no.1 has one criminal antecedent and appellant no.2 has two criminal antecedent.

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

9. 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Complaint Case No.C-122 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

