

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4329 of 2021**

Arising Out of PS. Case No.-526 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. LALIT MOHAN SINGH Son of Shyamanand Singh At Present Resident of Mohalla - Ram Nagar (Near Tapeswar Singh College), P.S.- Mufassil, District - Saran
2. Kundan Singh @ Kundan Kumar Singh Son of Lalit Mohan Singh At Present Resident of Mohalla - Ram Nagar (Near Tapeswar Singh College), P.S.- Mufassil, District - Saran
3. Kunal Singh @ Kunal Kumar Singh Son of Lalit Mohan Singh At Present Resident of Mohalla - Ram Nagar (Near Tapeswar Singh College), P.S.- Mufassil, District - Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Appellant/s  | : | Mr. Pawan Kumar Singh                  |
| For the Respondent/s | : | Mr. Binay Krishna<br>Mr. Hareram Singh |

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

3      21-06-2023      Heard the parties.

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 02.03.2021, passed by learned Court of Ist Additional Session- cum- Special Judge, SC/ST (POA) Act, Saran at Chapra arising out of Chapra Mufassil P.S. Case No. 526 of 2020, registered under sections 341, 323, 504, 34 of the Indian Penal Code and 3(1)(x) of the SC/ST Act.



Allegedly, the appellants assaulted the informant by fists and slaps and also abused him by taking his 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 no specific overt act against the appellants. He further submits that the appellants have filed a complaint case against the respondent no.2 in the learned Court below (Annexure-2). 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.

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 Ist Additional Session-cum- Special Judge, SC/ST (POA) Act, Saran at Chapra arising out of Chapra Mufassil P.S. Case No. 526 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)**

shikha/-

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