

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.932 of 2021

Arising Out of PS. Case No.-167 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

-
1. UMESH MAHTO @ UMESH PRASAD SINGH Son of Late Ram Chandra Mahto Resident of Village- Firojpur, Pataili, P.S.- Ghataho, District- Samastipur.
 2. Shashi Ranjan Kumar Singh @ Shashi Ranjan Mahto @ Shashi Kumar Mahto Son of Umesh Mahto @ Umesh Prasad Singh Resident of Village- Firojpur, Pataili, P.S.- Ghataho, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bilat Roy Son of Prabhu Roy Resident of Village- Simri, P.S.- Vidyapatinagar, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Apurva Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Surya Narayan Roy
		Mr. Ashwani Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-02-2023 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 22.01.2020, passed by learned 1st Additional Sessions Judge, Samastipur in connection with Complaint Case no.167 of 2018, registered under sections 323, 379 of the Indian Penal Code and 3(1)(r)(s)(w) of S.C./S.T. Act and section 8 of



POCSO Act.

Allegedly, appellants came variously armed, thrashed the minor daughter of the informant in the field, tore her clothers, took her photographs and also threw acid on her body. It is further alleged that the accused persons also threatened the informant to sell the land in dispute in their favour and looted away the entire paddy crops from 27 dec. of land.

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 no allegation of abuse by taking caste name against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties and the proceeding under section 144 of Cr.PC has been decided in the favour of the appellants. Appellants have one 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 1st Additional Sessions Judge, Samastipur in connection with Complaint Case no.167 of 2018, 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/-

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

