

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3264 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- SC/ST District- Samastipur

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1. AMRESH KUMAR RAI @ AMRESH RAI Son of Hari Lal Rai Resident of village - Gudar Ghat, Ward No.- 8, Shripur Gohar, P.S.- Khanpur, District - Samastipur.
 2. Amar Kumar Rai @ Amar Rai Son of Hari Lal Rai Resident of village - Gudar Ghat, Ward No.- 8, Shripur Gohar, P.S.- Khanpur, District - Samastipur.
 3. Arvind Kumar Rai @ Sarvind Rai Son of Hari Lal Rai Resident of village - Gudar Ghat, Ward No.- 8, Shripur Gohar, P.S.- Khanpur, District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ram Jatan Paswan Son of Late Baban Paswan Resident of village - Kamopur, P.S.- Khanpur, District - Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Anand
For the Respondent/s	:	Mrs. Usha Kumari 1
		Mr. Piyush Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2023 Heard the parties.

2. 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 20.08.2022, passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with SC/ST P.S. Case No.64 of 2021, registered under sections 354B, 379 and other allied Sections of the Indian Penal Code and 3(i)(r)(s)(w)(f)/



3(2)(va) of S.C./S.T. Act.

3. Allegedly, on the pretext of land dispute, 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. The appellants entered into the house of the informant and took away cash, jewellery and clothes.

4. 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 and this submission is also supported by the learned counsel for the respondent no.2. 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.

5. Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail by submitting that there is an allegation against the appellants to abuse the



informant by taking caste name.

6. 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 (POA) Act, Samastipur in connection with SC/ST P.S. Case No.64 of 2021, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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