

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3319 of 2022

Arising Out of PS. Case No.-238 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

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1. MAHENDRA SINGH S/O LATE GIRJA SINGH R/O VILLAGE- PATERI, P.S.- CHAND, DISTT- KAIMUR(BHABUA)
 2. DEEPU SINGH S/O MAHENDRA SINGH R/O VILLAGE- PATERI, P.S.- CHAND, DISTT- KAIMUR(BHABUA)

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. MUNNA RAM S/O LATE KISHUN RAM R/O VILLAGE- JAMALPUR(PATERI), P.S.- CHAND, DISTT- KAIMUR(BHABUA)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-01-2023 Heard the parties.

Learned Spl. PP for the State informs this Court that he had already informed the respondent no.2 about the present case through S.P., but nobody appears on behalf of the respondent no.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 22.08.2022, passed by learned Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabua in connection



with Chand P.S. case no.238 of 2018, registered under sections 341, 323, 147, 148, 149, 325, 307, 148, 380, 379, 354, 504, 506 of the Indian Penal Code and 3(1)(r)(5) of S.C./S.T. Act.

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. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties. He further submits that after investigation, police has submitted final form against the appellants but differing with the same, learned court below took cognizance 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 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 Additional Sessions Judge 1st cum Special Judge, Kaimur at Bhabua in connection with Chand P.S. case no.238 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)

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