

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3772 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- SIKTI District- Araria

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1. Raja Babu Jha @ Raja Babu @ Raj Kumar Jha Son Of Ramanand Jha @ Bachchu Jha But Adopted Son Of Late Kamalanand Jha Resident Of Village- Fatahpur, P.S. - Tarabari, District - Araria
 2. Ramanand Jha @ Bachchu Jha Son Of Late Devnarayan Jha @ Nurup Jha Resident Of Village- Fatahpur, P.S. - Tarabari, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Kumar Ram Son Of Harilal Ram Resident Of Village - Fulwari Ward No. 14, P.S. - Tarabari, District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kishore Bharti
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-11-2023 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. 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 15.07.2023, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Sikty (Bardaha) P.S. Case No. 121 of 2023 for the alleged offences registered under sections 341, 323, 324, 379, 411, 384, 504, 506/34 of the Indian Penal Code and section 3(i) (r) (3) of



the S.C./S.T. Act.

3. Appellants are said to have abused the brother of the informant by taking caste name and also snatched the motorcycle and cash from him.

4. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to land dispute. No such occurrence as alleged has ever taken place. He submits that a proceeding under Section 144 of the Cr.P.C. vide case no. 588 of 2023 is going on between the parties before the SDM, Araria. Learned counsel for the appellants further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. The appellants have one criminal antecedent.

5. Learned Spl.PP for the State and learned counsel for the respondent no. 2 opposing the prayer for bail submit that the appellants abused the brother of the informant by taking caste name.

6. Considering the facts and circumstances of the case and the fact that there is admitted 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-cum-Special Judge, Araria, in connection with Sikty (Bardaha) P.S. Case No. 121 of 2023, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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