

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4607 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- SC/ST District- Araria

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1. SATYA PRAKASH @ PAPPU Son of Late Sitaram Singh R/o village- Gamahariya, Ward No. 5, P.S.- Araria, Madanpur Op, Distt- Araria Appellant No. 2, At present Flat No. 20094, Tower 14, Avenue Gaur City 2, Sector 16, C Greater Noida, West Gautam Buddha Nagar, Uttar Pradesh- PIN 201308
 2. Sudhir Ranjan @ Rinku Son of Rajendra Prasad Singh Resident of Chitraguptanagar Ward No. 21 P.S and Dist- Araria
 3. Rajendra Prasad Singh Son of Late Ramchandar Bishwas Resident of Chitraguptanagar Ward No. 21 P.S and Dist- Araria

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rita Kumari W/o Shri Bhanu Pratap Singh R/o Mohalla- Shivpuri, Ward No. 9, P.S. and Distt- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-01-2023 Heard the parties.

Learned counsel for the appellants is directed to remove the defects within four weeks.

Learned counsel for the appellants filed a supplementary affidavit and in para-5 of the said affidavit, he stated that the notice served upon respondent no.2 was received by her husband, who resides at the same place as that of respondent no.2.

Considering this fact, notice is hereby treated as validly



served upon 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 27.10.2021, passed by learned 1st Additional Sessions-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.33 of 2021, registered under sections 341, 323, 504 and 34 of the Indian Penal Code and 3(1)(r) 3(1)(s), 3(1) w (1) of S.C./S.T. Act.

Allegedly, the appellants alongwith other co-accused persons assaulted the informant by means of several weapons and also abused them by taking 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. He further submits that after investigation, police has filed final form against the appellants but differing with the same learned court below took cognizance against the appellants. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties, which is also clear from the FIR. 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 1st Additional Sessions-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.33 of 2021, 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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