

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3899 of 2022

Arising Out of PS. Case No.-292 Year-2020 Thana- MASHRAK District- Saran

1. Salauddin Mansuri Son Of Late Sher Azam Mansuri @ Sher Azam Miyan Resident Of Village - Sisai, Police Station - Mashrak, District - Saran (Chapra).
2. Allauddin Mansuri Son Of Late Sher Azam Mansuri @ Sher Azam Miyan Resident Of Village - Sisai, Police Station - Mashrak, District - Saran (Chapra).
3. Kadir Hussain @ Kadir Mansuri @ Kadir Husain Son Of Late Sher Azam Mansuri @ Sher Azam Miyan Resident Of Village - Sisai, Police Station - Mashrak, District - Saran (Chapra).
4. Zakir Hussain @ Zakir Mansuri Son Of Late Sher Azam Mansuri @ Sher Azam Miyan Resident Of Village - Sisai, Police Station - Mashrak, District - Saran (Chapra).
5. Irshad Ali @ Irshad Mansuri Son Of Nizamuddin Mansuri Resident Of Village - Sisai, Police Station - Mashrak, District - Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. Paspat Sah Gond Son of Late Chandrika Sah Gond Resident of village - Sisai, Police Station - Mashrak, District - Saran (Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

Learned counsel for the State submits that he has informed the informant through SP concerned 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, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.07.2022, passed by learned 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra in connection with Masrak SC/ST P.S. Case No. 292 of 2020 for the alleged offences registered under sections 147, 148, 149, 341, 323, 354B, 504, 506 of the Indian Penal Code and sections 3 (i) (r)(s), 3(2)(va) S.C./S.T. Act.

Appellants are said to have abused the informant by taking caste name. The informant also alleged that Allauddin Mansuri torn the Sari and blouse of her wife and done naked her.

Learned Counsel for the appellants submits that appellants is innocent and have been falsely implicated in the present case. No such occurrence as alleged has ever taken place. He submits that there is case and counter case between the parties. There is an admitted land dispute between the parties. 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 no criminal antecedent as stated in para-3 of the bail application.

Learned Spl.PP for the State opposes the prayer for bail and submits that appellants are also involved in the present case.

Considering the facts and circumstances of the case, 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 3rd Additional Sessions Judge-cum-SC/ST Judge, Saran at Chapra in connection with Masrak SC/ST P.S. Case No. 292 of 2020, 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)

devendra/-

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

