

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4028 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Lalan Singh @ Lalan Prasad Singh Son Of Late Damodar Singh R/O Vill.-
Barma, P.S.- Sheikhpura, (SIRARI O.P.), Distt.- Sheikhpura, At Present
Posted At Directorate Of Aims, Ministry Of Defence, Antodaya Bhawan, Cgo
Complex, Lodhi Road, New Delhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Mala Devi Wife Of Late Lalan Ram @ Late Loha Dharhi R/O Vill.- Barma,
P.S.- Sheikhpura (SARAI O.P.), Distt.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar
For the Respondent/s	:	Mrs. Usha Kumari 1
	:	Mr. Bipin Kumar
	:	Mrs. Sarita Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 19-04-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State assisted by learned
counsel for 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 of anticipatory bail
vide order dated 13.10.2022 passed by learned 1st Additional
District & Sessions Judge, Sheikhpura in connection with
Sheikhpura (Sirari O.P.) P.S. Case No. 312 of 2022, registered
under Sections 341, 323, 354(B), 379, 506 and 504 of the Indian
Penal Code and Section 3(2) (va)/3(1)(S)/3(1)(r) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

It is submitted by learned counsel for the appellant that the appellant have no concern with the aforesaid occurrence. There is admitted land dispute between the parties. An application has been filed by the appellant on 19.04.2022 to the S.H.O. of Sirari O.P. through registered post for illegal construction on his raity land made by the son of informant, namely, Sujeet Dharhi. After seeing no action taken by the police the appellant again filed an application through registered post on 27.04.2022 to the Officer-in-Charge of Local Police Station, Sirari O.P. for lodging of F.I.R. regarding encroachment of residential land/common path. Seeing the lethargic attitude of local police, the appellant filed an application through e-mail on 28.04.2022 to the District Magistrate, Sheikhpura for removal of encroachment from the raity/residential land which has been encroached by Sujeet Dharhi, son of the informant. Nephew of the appellant Rahul Kumar has also filed an application before S.D.M. Sheikhpura on 29.05.2022 under Section 147 Cr.P.C. in which Sujeet Dharhi, son of the informant and Chandan Kumar have been party as second party. He relied upon the judgment of *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*. Appellant has got one criminal



antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State along with learned counsel for the respondent no.2 oppose the prayer for bail and submits that the the process under Section 82 and notice of Section 83 of Cr.P.C. has been issued in the present case. Therefore, this appeal is not maintainable.

Considering the Judgment of Hon'ble Apex Court passed in *Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 312 of 2022, 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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