

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4105 of 2022**

Arising Out of PS. Case No.-7 Year-2020 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

-
1. YAMUNA PRASAD YADAV Son of Chhatu Yadav R/v- Ramnipatti, P.S.- Babubarhi, District- Madhubani
 2. RATNESH RANJAN @ RATNESH YADAV Son of Yamuna Prasad Yadav R/v- Ramnipatti, P.S.- Babubarhi, District- Madhubani
 3. SUNITA DEVI Wife of Yamuna Prasad Yadav R/v- Ramnipatti, P.S.- Babubarhi, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. SUJAN DEVI Wife of Jagdish Ram R/v- Ramnipatti, P.S.- Babubarhi, District- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hriday Narayan Harshit
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 26-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Spl.PP for the State informed this Court that he has complied the order dated 02.03.2023 and has informed the informant/complainant about the present case but nobody has entered appearance on her behalf.

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



28.09.2022 passed by learned Additional Session Judge 1st cum Special Judge SC/ST Act, Madhubani in connection with Madhubani P.S. Case No.07 of 2020, registered under Sections 323, 354(B), 379, 427, 504 & 34 of the Indian Penal Code and Section 3(i) (r) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the appellants is that they alongwith other co-accused persons assaulted and abused the complainant's side and also misbehaved with them.

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. Appellant nos.1 and 2 have one criminal antecedent and appellant no.3 has no criminal antecedent as mentioned in para-3 of memo of appeal There is a case and counter-case between the parties. Earlier the appellant no.1 has filed a complainant petition no.06 of 2019 dated 09.05.2019 before the CJM, Madhubani against the complainant and her family members. There is an admitted land dispute between the parties. 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.

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 Session Judge 1st cum Special Judge SC/ST Act, Madhubani in connection with Madhubani P.S. Case No.07 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)

shikha/-

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

