

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4229 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- SC/ST District- Saran

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1. JITENDRA NATH SINGH @ BHIM SINGH Son of Late Rameshwar Singh R/V- Darihara Nishak, P.S- Dariyapur, Dist- Saran at Chapra (Bihar)
 2. Niraj Singh @ Niraj Kumar Singh Son of Jitendra Nath Singh @ Bhim Singh R/V- Darihara Nishak, P.S- Dariyapur, Dist- Saran at Chapra (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Siyaram Baitha Son of Late shiv Baitha R/V- Darihara Nishak, P.S- Dariyapur, Dist- Saran at Chapra (Bihar)

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 15.03.2023 but nobody appeared 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 of anticipatory bail vide order dated 20.09.2022 passed by learned III Additional



Sessions Judge, Saran at Chhapra in connection with Saran SC/ST P.S. Case No.21/2020, registered under Sections 341, 323, 427 and 504 of the Indian Penal Code and Section 3 (i)(r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. From perusal of the complaint petition it is clear there is admitted land dispute between the parties. He relied upon the judgment of Hon'ble Apex Court passed in the case of '*Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710*'. In the complaint petition it is mentioned that the all the occurrence took place inside the house, therefore, no case is made out against the appellants. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name inside the house.

In the facts and circumstances of the case and the fact that there is no specific overt act against the appellants, let the above named appellants, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned III Additional Sessions Judge, Saran at Chhapra in connection with Saran SC/ST P.S. Case No.21/2020, 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)

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