

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4263 of 2022**

Arising Out of PS. Case No.-20 Year-2018 Thana- SC/ST District- Jehanabad

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SANJAY KUMAR @ SANJAY CHOUBEY @ SANJEEV KUMAR Son of
Lal Bachan Chaubey Resident of Amra, P.S- Parasi, Dist- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi Wife of Lalan Paswan Resident of Amra, P.S- Parasi, Dist- Arwal

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anuj Kumar
For the Respondent/s	:	Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-04-2023 Heard learned counsel for the appellant 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 23.09.2022 passed by learned Special Judge SC/ST Act, Jehanabad in connection with Arwal SC/ST SC & ST P.S. Case No. 20/2018, registered under Sections 341, 323,



379 and 504/34 of the Indian Penal Code and Section 3(2)(va) 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. The occurrence took place on 24.11.2018 but FIR lodged on 02.12.2018 after a delay of eight days and there is no any explanation of it which creates serious doubt about the prosecution case. There is allegation against the appellant to assault and abuse the informant's side. Similarly situated other co-accused persons have already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 07.07.2022 passed in Cr. Appeal (SJ) No. 1005/2022. A proceeding under Section 144 Cr.P.C. was initiated bearing Misc. Case No. 78/2019, between husband of the informant and co-accused Santosh Kumar in the said proceeding possession of Santosh Kumar, co-accused was declared over the said land by order dated 03.09.2019 from which it is clear that there is admitted land dispute between the parties. Learned counsel for the appellant further 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*'.



Appellant has 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 appellant abuse the respondent no.2/informant by taking caste name.

Considering the judgment of the Hon'ble Apex Court in the case of '*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 Special Judge SC/ST Act, Jehanabad in connection with Arwal SC/ST SC & ST P.S. Case No. 20/2018, 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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