

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4154 of 2022

Arising Out of PS. Case No.-544 Year-2022 Thana- RAJGIR District- Nalanda

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1. VIRENDRA KUMAR @ RAKESH KUMAR Son of Arjun Singh Resident of Main Bazaar, Rajgir, P.S.- Rajgir, District- Nalanda
 2. RAJESH KUMAR @ AVDHESH YADAV Son of Sitaram Yadav @ Sita Yadav Resident of Rajgir Dhurva More, Rajgir, Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Mulur Devi Wife of Late Lalmuni Chaudhary Resident of Rajgir Main Bazaar, Rajgir, P.S.- Rajgir, Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Neeraj Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023 Heard the parties.

Learned Spl.PP for the State informed this Court that he has complied the order dated 02.03.2023 and 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 (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for anticipatory bail vide order dated 20.10.2022, passed by learned Additional Session Judge-III, Nalanda, Bihar Sharif in connection with Rajgir P.S.



Case No.544 of 2022, registered under sections 323, 354, 448, 504, 506, 34 of the IPC and 3(1)(r)(s) 3(2)(va) of S.C./S.T. Act.

Allegedly, the appellants alongwith other co-accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

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. There is general and omnibus allegation against the appellants. There is an admitted land dispute between the parties. He further submits that there is no injury report in the said occurrence to prove the case of the informant. Appellants have no criminal antecedent, which is also mentioned in para-3 of the memo of the appeal. 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.

Learned Spl.PP for the State opposed the prayer for bail.

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-III, Nalanda, Bihar Sharif in connection with Rajgir P.S. Case No.544 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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