

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.47 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- GAURICHAK District- Patna

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1. NAVIN YADAV @ NOVIND KUMAR Son of Shivanand Singh @ Shivanand Yadav R/V- Ramganj, PS- Gaurichak, dist- Patna
 2. Urmila Devi @ Ormila Devi Wife of Navin yadav @ Novind Kumar R/V- Ramganj, PS- Gaurichak, dist- Patna
 3. Avinash Yadav @ Avinash Kumar Son of Navin Yadav @ Novind Kumar R/V- Ramganj, PS- Gaurichak, dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Balak Paswan Son of Late Bashudev Paswan R/V- Ramganj, PS- Gaurichak, dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Chandra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-03-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In compliance of the order of this Court, respondent no.2 was informed by learned Spl.P.P. for the State for his appearance in this case but nobody entered appearance on his behalf.

This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Amendment Act 2016 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 14.11.2022, passed by learned Exclusive



Special Judge, SC/ST Act, Patna, in connection with Gaurichak P.S. Case No.221 of 2022, registered u/s 147, 149, 341, 323, 504, 307, 379 of the IPC and sections 3(1)(r)(s) of SC/ST Act.

Allegedly, the F.I.R. named accused persons and 6-7 unknown persons armed variously came to the house of informant and started abusing the informant and on objection, they assaulted the informant with iron rod and when his son tried to save him, the accused assaulted him with iron rod.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants as the occurrence is said to have taken place in the house of the informant and it does not come under the purview of public view, which is required to constitute an offence under the SC/ST Act. There is an admitted land dispute between the parties. Relying upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr.* reported in *2020 (10) SCC 710*, it is submitted that if there is a land dispute between the parties, the appeal for anticipatory bail is maintainable. It is further



submitted that there is no specific overt act against the appellants. Appellant nos.1 and 2 have one criminal antecedent and appellant no.3 has no criminal antecedent.

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

Considering the facts and circumstances of the case and considering the judgment of the Apex Court in *Hitesh Verma (supra)*, 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 Exclusive Special Judge, SC/ST Act, Patna, in connection with Gaurichak P.S. Case No.221 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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