

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1016 of 2024

Arising Out of PS. Case No.-46 Year-2017 Thana- BHAGWANPUR District- Begusarai

NEPAL MAHTO @ RABI KISHORE PRASAD SON OF NARENDRA
MAHTO @ NARENDRA PRASAD RESIDENT OF VILLAGE - KARJAN
MANOPUR, P.S. - BHAGWANPUR, DISTRICT - BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ANIL PASWAN SON OF BINDESHWARI PASWAN RESIDENT OF
VILLAGE - BISHANPUR, P.S. - BHAGWANPUR, DISTRICT -
BEGUSARAI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Yadav, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P. Mr.Vijay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2024 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

2. 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
31.01.2024, passed by learned Spl. Judge, SC/ST(POA) Act,
Begusarai, in connection with Bhagwanpur P.S. Case No.46 of
2017, registered u/s 341, 323, 354, 504, 506, 379, 427/34 of the
IPC and sections 3(i)(x) of the SC/ST (POA) Act.

3. Allegedly, all the accused persons including the



appellants are said to have committed loot of crops of wheat from the field of the informant and plowed other two plots. On objection, they assaulted the informant and also abused him by taking his caste name.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. He has no concern with the aforesaid occurrence. Allegation of assault levelled against the appellant is not specific rather general and omnibus in nature. There is admitted land dispute between the parties and a title suit bearing Title Suit No.176 of 2009 is pending between them. 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 submitted that cognizance has been taken against the appellant. Appellant has no criminal antecedent and similarly situated co-accused have been granted anticipatory bail by this Court vide order passed in Cr. App(SJ) No.3492 of 2023 dated 10.01.2024.

5. Learned Spl. PP for the State as well as learned counsel



for the respondent no.2 opposed the prayer for anticipatory bail by submitting that cognizance has been taken against the appellant and in view of the law laid down by the Apex Court in the case of *Bachu Das Vs. State of Bihar and others*, since reported in *(2014) 3 Supreme Court Cases 471*, anticipatory bail application is not maintainable.

6. Considering the facts and circumstances of the case and considering the case of *Hitesh Verma (supra)*, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Begusarai, in connection with Bhagalpur P.S. Case No.46 of 2017, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

pallavi/-

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

