

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1880 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- MOUZA HIDPUR District- Bhagalpur

1. Dayanand Thakur son of Late Shankar Thakur Resident Of village- Kutubganj PS- Babarganj, Dist- Bhagalpur
2. Kartik Kumar Thakur son of Dayanand Thakur Resident Of village- Kutubganj PS- Babarganj, Dist- Bhagalpur
3. Prabha Devi wife of Late Pappu Thakur Resident Of village- Kutubganj PS- Babarganj, Dist- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-12-2024 Learned counsel for the appellants seeks permission to withdraw this appeal with regard to appellant no. 1.

2. Permission is granted.

3. Accordingly, this appeal with regard to appellant no. 1 is dismissed as withdrawn.

4. Heard learned counsel for the appellants, respondent no. 2 and learned Spl. P.P. for the State for consideration of bail with regard to rest of the appellants.

5. 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 for anticipatory bail



vide order dated 06.02.2024, passed by learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur for the alleged offences registered under Sections 341, 323, 448, 354B, 379, 308, 504, 506/34 of the Indian Penal Code and sections 3(1)(r)(s) of the S.C./S.T. Act.

6. Appellants along with other accused persons are said to have abused the informant by taking caste name and also assaulted him.

7. Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. No such occurrence as alleged has ever taken place. There is an admitted land dispute between the parties. Learned counsel for the appellants further submits that in view of the judgment of the Hon'ble Apex Court passed in the case of **Hitesh Verma Vs. State of Uttarakhand & Another** reported in **2020 (10) SCC 710**, if there is land dispute between the parties, the appeal for anticipatory bail is maintainable. The appellants have no criminal antecedent.

8. Learned Spl.PP for the State and respondent no. 2 oppose the prayer for bail and submit that there is specific



allegation against the appellants to abuse the informant by taking caste name.

9. Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties, let the appellant nos. 2 and 3 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 District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 381 of 2023, subject to the condition as laid down under section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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