

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1639 of 2022

Arising Out of PS. Case No.-272 Year-2021 Thana- BUNIYAD GANJ District- Gaya

1. CHANDRADEO YADAV S/o Late Sukar Yadav R/o village- Panda Bigha, P.S.- Buniyadganj, Distt.- Gaya
2. Ashok Yadav S/o Chandradeo Yadav R/o village- Panda Bigha, P.S.- Buniyadganj, Distt.- Gaya
3. Ramesh Yadav S/o Kuldeep Yadav R/o village- Panda Bigha, P.S.- Buniyadganj, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Hira Paswan S/o Lalmuni Paswan R/o village- Panda Bigha, P.S.- Buniyadganj, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh, Adv.
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2024 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. In compliance of the order of this Court, learned Spl.P.P. for the State informed the respondent no.2 about her appearance in the appeal but nobody appears on her behalf.

3. 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 21.04.2022, passed by learned Exclusive Special Judge, SC and



ST Act, Gaya, in connection with Buniyadganj P.S. Case No.272 of 2021, registered u/s 147, 149, 323, 504 and 506 of the IPC and sections 3(2)(va) of the SC/ST Act.

4. As per F.I.R., the informant and his family dragged a ditch for construction of a wall on his land but all the accused persons including the appellants abused by caste name and assaulted the informant's side.

5. 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 there is no specific allegation against any appellant to have abused the informant by taking his caste name. It is further submitted that 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. Appellants have no criminal antecedent.

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



7. Considering the facts and circumstances of the case, since there is no specific overt act against the appellants and considering that there is 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 Exclusive Special Judge, SC and ST Act, Gaya, in connection with Buniyadganj P.S. Case No.272 of 2021, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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