

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2706 of 2023**

Arising Out of PS. Case No.-224 Year-2021 Thana- SARAN COMPLAINT CASE District-
Saran

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1. RAJBALI SINGH Son of Late Babu Subedar Singh Resident of village -
Atta, P.S.- Marhowrah, District - Saran at Chapra.
 2. Ranjeet Singh Son of Rajbali Singh Resident of village - Atta, P.S.-
Marhowrah, District - Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Algu Manjhi Son of Late Bhagrashan Manjhi Resident of village - Atta, P.S.-
Marhowrah, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Radha Mohan Singh
For the Respondent/s	:	Mr. Binay Krishna Mr. Dr. Rajesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 24-01-2024 Heard the parties.

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 10.05.2023, passed by learned SC/ST/MP/MLA Judge-3rd, Saran at Chapra in connection with Complaint Case No.224 of 2021, registered under sections 323 and 504 of the Indian Penal Code and 3(i)(r) of S.C./S.T. Act.

3. Allegedly, the appellants demanded extortion from the complainant and on denial, they assaulted the complainant by



means of fists and slaps and also abused him by taking caste name.

4. 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. Slating the informant in the name of caste is not said to have been done in public view, hence no offence under the SC/ST Act is made out against the appellants. There is general and omnibus allegation against the appellants. He submits that There is an admitted land dispute between the parties and a title suit no.545 of 2020 has been filed by the appellant no.2 and others have filed a case against Chandrawati Devi and others, which is pending in the competent court. 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.

5. Learned Spl.PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail by submitting that there is specific allegation against the appellants to abuse



the complainant by taking his caste name.

6. 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 SC/ST/MP/MLA Judge-3rd, Saran at Chapra in connection with Complaint Case No.224 of 2021, 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)

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