

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2819 of 2023

Arising Out of PS. Case No.-343 Year-2021 Thana- TEGHRHA District- Begusarai

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1. JITENDRA YADAV SON OF LATE BAL KRISHNA YADAV RESIDENT OF VILLAGE -PAKTHAUL, PS- TEGHRA, DISTT- BEGISARAI
 2. DARPI DEVI @ VARPI DEVI WIFE OF LATE ANUP YADAV RESIDENT OF VILLAGE -PAKTHAUL, PS- TEGHRA, DISTT- BEGISARAI
 3. ANITA DEVI WIFE OF SULO YADAV @ SILO YADAV RESIDENT OF VILLAGE -PAKTHAUL, PS- TEGHRA, DISTT- BEGISARAI
 4. CHANDNI DEVI WIFE OF JAY JAY RAM YADAV RESIDENT OF VILLAGE -PAKTHAUL, PS- TEGHRA, DISTT- BEGISARAI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BABITA DEVI WIFE OF ARJUN TANTI RESIDENT OF VILLAGE -PAKTHAUL, PS- TEGHRA, DISTT- BEGISARAI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vinod Gautam

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-01-2024 Heard the parties.

2. In compliance of the order dated 30.08.2023, learned Spl.PP for the State informed the informant/complainant to appear in the present case through his/her counsel but nobody entered appearance on his/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 03.05.2023, passed by learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in Teghra P.S. Case No.343 of 2021, registered under sections 323, 341, 325, 379, 354, 308, 34 of the Indian Penal Code and 3(1)(r)(s) of S.C./S.T. Act.

4. Allegedly, the appellants along-with other accused persons assaulted the informant's side by means of deadly weapons and also abused them by taking caste name.

5. 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. There is no specific overt act against the appellants. There is general and omnibus allegation against the appellants. He further submits that the injuries are simple in nature. There is an admitted land dispute between the parties, which is apparent from the Annexure-2 of the memo of appeal. Appellant no.1 has one criminal antecedent and rest of the 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.



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

7. Considering the facts and circumstances of the case, since there is a land dispute between the parties and the injuries are of simple nature, 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 (POA) Act, Begusarai in Teghra P.S. Case No.343 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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