

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4050 of 2023**

Arising Out of PS. Case No.-150 Year-2023 Thana- GAIGHAT District- Muzaffarpur

1. ASHOK KUMAR SINGH S/O SIYA RAM SINGH R/O VILLAGE- JAYA, POST OFFICE- CHIRAILA, PS. GAIGHAT, DIST. MUZAFFARPUR
2. RAJAN SINGH @ RAJAN KUMAR S/O ASHOK KUMAR SINGH R/O VILLAGE- JAYA, POST OFFICE- CHIRAILA, PS. GAIGHAT, DIST. MUZAFFARPUR
3. RAKESH SINGH @ RAKESH KUMAR S/O ASHOK KUMAR SINGH R/O VILLAGE- JAYA, POST OFFICE- CHIRAILA, PS. GAIGHAT, DIST. MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. KUMAR RAGHVENDRA RAGHWAN S/O MITHILESH SINGH R/O VILLAGE AND POST OFFICE AND PS. KINJAR, DIST. ARWAL, PRESENTLY POSTED AS CIRCLE OFFICER AT GAIGHAT BLOCK, DIST. MUZAFFARPUR
3. MANISH KUMAR RAJAK, ANCHAL AMIN, GAIGHAT BLOCK, DIST.MUZAFFARPUR BIHAR, MUZAFFARPUR

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Sumit Kumar, Adv.  
For the Respondent/s : Mrs.Usha Kumari 1, Spl.P.P.

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

3      31-01-2024              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 his appearance in the appeal but nobody appears on his behalf.

3.      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 26.07.2023, passed by learned Additional Sessions Judge-IX-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Gaighat P.S. Case No.150 of 2023, registered u/s 341, 323, 307, 353, 504, 506/34 of the IPC and sections 3(1)(r)(s) of the SC/ST Act.

4. As per the F.I.R., while the informant was measuring the land of Thana No.166, Khata No.545 and plot No.1086, the named accused persons including the appellants came there and insulted the respondent no.3, who is *Anchal Amin*, by taking his caste name and assaulted him and created obstruction in Government work.

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 from a bare perusal of the F.I.R., it is apparent that it is a matter of land dispute between the parties and there is no specific allegation against the appellants to abuse the informant by taking caste name. Learned counsel has placed reliance upon the judgment of the Apex Court in the case of *Hitesh Verma vs. State of*



*Uttarakhand & Anr.* reported in *2020 (10) SCC 710* and submitted that in light of the said judgment, if there is land dispute between the parties, the appeal for anticipatory bail is justified. Appellants have no criminal antecedent.

6. Learned Spl. PP for the State opposed the prayer for bail but has not denied the fact that there is land dispute between the parties.

7. Considering the facts and circumstances of the case and in view of the case of *Hitesh Verma (supra)*, 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 Additional Sessions Judge-IX-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Gaighat P.S. Case No.150 of 2023, 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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