

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4392 of 2023

Arising Out of PS. Case No.-524 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Bisheshwar Ray @ Visheshwar Rai Son Of Late Rambilash Rai Resident Of Village - Singhiya Khurd, P.S. - Muffasil, District - Samastipur
 2. Upendra Ray Son Of Late Mohan Rai Resident Of Village - Singhiya Khurd, P.S. - Muffasil, District - Samastipur
 3. Deban Ray Son Of Late Ram Bilash Rai Resident Of Village - Singhiya Khurd, P.S. - Muffasil, District - Samastipur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Priyanka Devi Wife Of Vijay Kumar Rajak Resident Of Village - Singhiya Khurd, P.S. - Muffasil, District - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brajesh Kumar Singh, Adv.
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent no.2	:	Mr. Pramod Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-06-2024 Heard learned counsel for the appellants, learned

Special Public Prosecutor for the State and learned counsel for

the respondent no. 2.

2. 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 of anticipatory bail
vide order dated 27.06.2023 passed by learned Special Judge
SC/ST (POA) Act, Samastipur, in connection with Samastipur



Muffasil P.S. Case No. 524 of 2022 registered under Sections 341, 323, 325, 354, 406, 420/34 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants along with other co-accused persons are said to have abused and assaulted the informant.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. There is no allegation of slating the informant in the specific name of his caste, hence, no offence under SC/ST Act is made out against the appellant. He submits that there is admitted land dispute between the parties. He further relies upon the judgment of Hon'ble Apex Court passed in the case of ***Hitesh Verma vs. The State of Uttarakhand*** reported in (2020) 10 SCC 710. Appellant no. 1 has three criminal antecedents and appellants no. 2 and 3 have one criminal antecedent as mentioned in para-3 of memo of the appeal.

5. Learned Spl. PP for the State and learned counsel for the respondent no. 2 opposed the prayer for anticipatory bail and submitted that the informant had purchased the land from co-accused Parmila Devi and when he reached at the land, the



appellants along with other accused persons assaulted him.

6. Considering the facts and circumstances of the case and the fact that there is admitted land dispute between the parties and the judgment of Hon’ble Apex Court passed in the case of *Hitesh Verma* (supra), let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 524 of 2022, 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)

anand/-

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