
(2024) 10 JH CK 0082

Jharkhand High Court

Case No: Criminal Appeal (S.J.) No.872 Of 2019

Imtiyaj Ansari

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Oct. 14, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 149, 295A, 323, 325, 341, 342, 379, 427
- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3, 4

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Rahul Kumar, Sanjay Kumar Srivastava, P.C. Sinha

Final Decision: Allowed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the appellants, learned counsel for the respondent State as well as the learned counsel for the complainant.

2. This appeal has been preferred against the order dated 11.07.2019 passed in A.B.P. No.453 of 2019 passed by learned Additional Sessions Judge-I,

Giridih whereby anticipatory bail petition filed by the appellants in connection with SC/ST (Complaint) Case No.58 of 2018 for the offence under

sections 147, 149, 323, 325, 341, 342, 379, 427, 295-A of IPC and section 3/4 of SC/ST (Prevention of Atrocities) Act, 1989 has been rejected,

pending in the court of learned Special Judge, Giridih.

3. Learned counsel for the appellants submits that there is land dispute between the parties and out of retaliation the present complaint has been filed

falsely against the appellants. He submits that the appellants have earlier filed the complaint before the concerned police station on 21.05.2018

contained in Annexur-3. He submits that the learned court has rejected the anticipatory bail petition on the ground that it is not maintainable. He

submits that there is land dispute between the parties and maliciously the present complaint has been filed.

4. Learned counsel for the respondent State as well as complainant jointly opposed the prayer on the ground that allegations are there and even the

complainant was slapped by the appellants. They submit that ingredients under the SC/ST (Prevention of Atrocities) Act, 1989 are made out and the

learned appellate court has rightly passed the order.

5. Looking to the contents of the compliant petition, it transpires that there is land dispute between the parties with regard to use of the road and if

such a situation is there, the case of the appellants is covered in view of the judgment rendered by the Honâ€™ble Supreme Court in the case of

Hitesh Verma v. State of Uttarakhand, reported in (2020) 10 SCC 710. If a prima-facie case is not made out under the SC/ST (Prevention of

Atrocities) Act, 1989, the anticipatory bail can be maintained, as has been held by the Honâ€™ble Supreme Court in the case of Shajan Skaria v.

State of Kerala, (2024) INSC 625, I am inclined to grant anticipatory bail to the appellants, and as such, the appellants, above named, are hereby

directed to surrender before the learned court concerned within three weeks from today, and in the event of their surrender/arrest, the appellants,

above named, shall be released 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, Giridih in connection with SC/ST (Complaint) Case No.58 of 2018, subject to the conditions

that appellants shall not, directly or indirectly, make any inducement, threat or undue influence to the prosecution witnesses and the appellants shall

appear before the trial court on each and every date given to them by the said learned court till the disposal of the trial.

6. This appeal is allowed and disposed of, and the impugned order dated 11.07.2019 passed in A.B.P. No.453 of 2019 passed by learned Additional

Sessions Judge-I, Giridih is hereby set-aside.

7. Pending petition, if any, also stands disposed of accordingly.