

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32759 of 2014

Arising Out of PS.Case No. -86 Year- 2013 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

- =====
1. Sheo Shankar Singh
 2. Dwarika Singh
 3. Kashi Singh
 4. Ram Nath Singh
 5. Laxman Singh
 6. Badri Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray-Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 30-04-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

Informant, a Halka Karmchari on an order of District

Magistrate had filed written report against the petitioners

disclosing the fact that petitioners are interfering with enjoyment

of the land having settled in favour of landless.

From the allegation, it is evident that it did not justify

application of Section 3 (i) (iv) of the Scheduled Caste/Scheduled

Tribe (Prevention of Atrocities) Act as there happens to be no

allegation of dispossession. With regard to interference, that

happens to be in the background of Title Suit no. 148 of 2012,

filed on behalf of petitioners and in order to make out a defence

case, instant prosecution has been launched at the behest of State not by the so called aggrieved. Hence, application of S.C./S.T. (Prevention of Atrocities) Act on the face of the allegation became doubtful. With regard to other offences, that happens to be bailable one.

Accordingly, petitioners are directed to surrender before the learned lower Court with a prayer for bail which, the learned lower Court will favourably consider in light of aforesaid finding.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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