

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9087 of 2016

Arising Out of PS.Case No. -878 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Shiv Narayan Singh @ Shiv Narayan Yadav son of Late Ratan Singh

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 114, 120B of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that the District Welfare Officer, Rohtas at Sasaram submitted a written report to the effect that the informant received information from a schedule caste family that their wheat crop was harvested from a plot which was recorded in the name of their grand-father, but in 1970 it was wrongly recorded in the name of Sardar Ahir for which a title suit was also filed and decided in favour of the schedule caste family. On 17.04.2012 and 24.09.2013, the accused persons robbed the crop, threatened and abused the above mentioned scheduled caste

family by calling caste name but the local Circle Officer did not take any action.

It is submitted by learned counsel for the petitioner that the petitioner is the owner of the land, in question. The land was mutated vide Mutation Case No.71/1999 by L.R.D.C. in favour of the other side which was challenged by the petitioner in Mutation Revision No.24/2000 whereby the District Magistrate set aside the order passed by the L.R.D.C. and directed for passing the order in view of judgment passed in Title Suit No.321/75, preferred by the other side, which was dismissed for default.

It is further submitted by learned counsel for the petitioner that for the occurrence of 22.04.2014, the FIR was registered on 19.09.2014 and no criminal case was lodged against the petitioner but at earlier point of time the informant being the District Welfare Officer lodged Sasaram P.S. Case No.7/2000 with the same accusation wherein the petitioner is on bail.

It is specifically submitted by learned counsel for the petitioner that in fact no judgment has been passed in the aforesaid title suit. It is an error of record in the FIR that the title suit was decided in favour of the adversary of the petitioner. Though, statement to that effect has not been made in the petition.

Considering the accusation being levelled on the basis

of *bona fide* dispute with regard to entries made in the revenue records, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Rohtas at Sasaram in connection with Sasaram (Tilauthu) P.S. Case No.878/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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