

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2018 of 2017

Arising Out of PS.Case No. -33 Year- 2015 Thana -SC/ST District- SARAN

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1. Jitendra Singh @ Jitender Kumar Singh
2. Rakesh Kumar Singh @ Rakesh Singh
3. Anil Singh @ Anil Kumar Singh All are son of Late Tej Narayan Singh
resident of Village- Benaute, P.O. Sarawan, P.S. Rasulpur, District Saran at
Chapra.

.... Appellant/s

Versus

1. The State of Bihar.
2. Raghunath Baitha son of Modi Baitha, resident of Village- Sarawan,
District Saran at Chapra.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Bhan Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 05-12-2017 Heard learned counsel for the appellants and learned
counsel for the State.

The appellants have challenged the order dated
09.05.2017 passed by the learned 1st Additional Sessions Judge,
Saran at Chapara in connection with Saran SC/ST P.S. Case No.
33 of 2015, whereby their prayer for being released on
anticipatory bail has been rejected.

It has been alleged in the FIR that the petitioner who
are brothers among themselves have abused the informant by
taking his caste name, assaulted him and set fire to the house of
the informant leading to losses.



Learned counsel for the appellants has submitted that an absolutely false case has been instituted. About 12 days prior to the lodging of the present case, the petitioner no. 1 had filed a case against the informant and others with respect to their having encroached upon the land of the petitioners. Maliciously, it has been argued, the aforesaid complaint before the police was never acted upon and only recommendation was made for initiating proceedings under Sections 107/144 Cr.P.C. The report which has been submitted before the Executive Magistrate also, it has been submitted, testifies to the fact that the petitioners are owners of the land in question. The petitioners have brought on record the land receipts also as Annexure-4 to the petition. It has been submitted, therefore, that only because the petitioners were trying to take possession of their own land for which they have been paying rent to the Bihar Government, the present false case has been instituted.

Taking into account the aforesaid facts, this appeal is allowed and the impugned order is set aside.

Let the appellants above named, in the event of their surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, SC/ST Act, Saran at Chapra in connection with SC/ST P.S. Case No. 33 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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