

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3107 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Tej Narain Sah, S/o Late Gagandeo Sah,
 2. Ganesh Sah S/o Late Gagandeo Sah,
 3. Raman Sah S/o Sukhadi Sah @ Sukhari Sah,
 4. Ram Sagar Sah S/o Late Saryug Sah,
 5. Sukhadi Sah @ Sukhari Sah S/o Late Saryug Sah,
 6. Rajan Sah @ Ranjan Kumar, S/o Ganesh Sah,
 7. Aman Kumar Sah @ Aman Kumar S/o Ganesh Sah,
 8. Sikandar Kumar S/o Tej Narain Sah, All R/o Village- Telhara Khurd,
P.S.- Kundwa Chainpur, District- East Champaran.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Sri Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2017

The appellants have challenged the order dated 22.09.2017, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities), Act, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No. 125 of 2017 dated 24.08.2017 instituted for the offences under Sections 148, 323, 325, 504, 307, 506 of the Indian Penal Code, Section 27 of the Arms Act, read with Sections 3(1)(r) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

The appellants are alleged to have assaulted the



informant and his son by means of *Garasa* and other weapons causing injuries to them. The appellants are also alleged to have abused the informant and others by their caste name.

Learned counsel for the appellants, on the other hand has stated that appellant No. 1 had filed a case against the informant and his other family members being Kundwa Chainpur P.S. Case No. 124 of 2017 dated 24.08.2017 which has been instituted for the offences under Sections 307, 506, 324 and other Sections of the Indian Penal Code. In fact, it has been argued, the son of the appellant No. 1 had purchased a land measuring about 2 katha and 11 decimals on which a house has been constructed. By the side of the house, there is a *Gairmajarua* land, which has been encroached by the informant and others. The appellant No. 1 and others have proceeded against the informant and others with regard to such unauthorized encroachment and had earlier filed an informatory petition before the Sub-Divisional Magistrate and Deputy Collector Land Reform, Silarhana, Dhaka, East Champaran as well as before the Circle Officer, Dhaka, East Champaran. A petition has also been given by the appellant No. 1 before the Bihar Lok Shikayat Nivaran Adhikar Adhiniyam, Sikarhana, East Champaran for taking action against the informant and others.



From perusal of the records, it appears that though the appellants have been alleged to have assaulted the informant and his son and abused them by calling their caste name, but it appears that there was a dispute with regard to encroachment of land. As such, it has been argued that no offence under any provision of the SC & ST (Prevention of Atrocities) Act can at all be said to have been made out.

For the reasons aforesaid, this Court deems it appropriate to set aside the order dated 22.09.2017.

The appellants, above named are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 125 of 2017.

(Ashutosh Kumar, J)

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