

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3200 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -MURLIGANJ District- MADHEPURA

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1. Butan Yadav @ Butan Yadav, S/o Nageshwar Yadav,
 2. Sharwan Yadav, S/o Satya Narayan Yadav, Both residents of Village-
Kolhaipatti, P.S.- Murliganj, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 22-12-2017

The appellants have challenged the order dated 18.05.2017, passed by the learned Special Judge, SC/ST Act, Madhepura in connection with Murliganj P.S. Case No. 48 of 2017 dated 02.03.2017 instituted for the offences under Sections 341, 342, 323, 447, 379, 504, 34 of the Indian Penal Code and Section 3(1)(s) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

The allegation in the F.I.R is that the informant, despite being in possession of 10.8 decimals of land, was forced by the appellants and others to relinquish the said land. It has been alleged that on the day of the occurrence, one Amin from the circle office had come to measure the disputed land and then the



appellants and others abused and humiliated the informant and others. There is further allegation of committing arson in the house of the informant.

Learned counsel for the appellants has drawn the attention of this Court to the fact that appellants and others have filed a case vide Case No. 105 of 2012 before the Court of the D.C.L.R, Madhepura, challenging the order of the Circle Officer, Madhepura whereby 10.8 decimals of the land had erroneously been mutated in the name of the informant. The appellants and others succeeded in the aforesaid case and the order of the Circle Officer was found to be incorrect. Thereafter, the informant has approached the Court of the Commissioner, Kosi Division, Saharsa against the aforesaid order of the D.C.L.R, Madhepura. It has further been submitted that but for two decimals of land, the informant has not been in possession of any other parcel of land and in fact major portion of the land belongs to the appellants and others.

Learned counsel for the appellant has further stated that merely because the informant happens to be a person of Scheduled Caste community, the present case has been lodged with the allegation against the appellants and others of abusing and humiliating the informant.



From the perusal of the records, it appears to this Court that there is a land dispute and there are counter claims with respect to a particular parcel of the land.

For the reasons aforesaid, this Court deems it appropriate to set aside the order dated 18.05.2017.

The appellants, above named are directed to be released on bail in the event of their 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 Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 48 of 2017.

(Ashutosh Kumar, J)

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