

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6252 of 2015

Arising Out of PS.Case No. -42 Year- 2013 Thana -SC/ST P.S. District- SARAN

=====

1. Kapoor Chand Prasad son of Suraj Prasad resident of Village - Piano ,
PS. - Kopa, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Narendra Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 17-01-2018 Heard the counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Chapra SC/ST P.S. Case No. 42 of 2013 dated 13.08.2013 instituted for the offences under Sections 427, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(i)(x) of SC/ ST (Prevention of Atrocities) Act.

It has been alleged in the First Information Report that the accused persons including the petitioner had come to the land of the informant for the purposes of gaining control over the same and on protest, the informant was assaulted and was abused by her caste name. The informant also claims to have been threatened of being implicated in a false case.

Learned counsel for the petitioner has drawn the



attention of this Court to the First Information Report in which there is no reference of the incident having been witnessed by any other person except the informant herself. There is an admitted land dispute between the parties and it has been submitted that the present case is only with a view to spite the petitioner who is also having competing claims over the plot of land which is claimed by the informant.

The averments made in the First Information Report clearly make out a case of land dispute as the informant has stated that the land in question has been settled in her favour which was attempted to be controlled over by the petitioner. When the occurrence was over, the persons of the neighbourhood came for the rescue of the informant. When the persons of the neighbourhood had arrived, there is no allegation of the informant being abused by her caste name. Though, averments have been made in the First Information Report to attract the mischief of the provisions of the SC/ ST (Prevention of Atrocities) Act, but it appears that the real dispute lies somewhere else and only to add the serious colour to the case, the aforesaid sections of the SC/ST Act has been added.

Regard being had to the aforesaid facts, in the event of surrender of the petitioner before the court below within a period



of four weeks from today, he shall be granted bail subject to their furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Chapra SC/ST P. S. Case No. 42 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

ajay gupta/-

		T	
--	--	---	--

