

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2527 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- RAJNAGAR District- Madhubani

-
1. Maha Rai @ Mahanand Rai, Son of Late Swarup Rai @ Ramswarup Ray,
 2. Triveni Devi, Wife of Maha Rai @ Mahanand Rai, Both resident of Village- Chapahi, P.S.- Rajnagar, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.05.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Madhubani in A.B.P. No.690 of 2018, arising out of Rajnagar Police Station Case No.06 of 2018 registered under Sections 341, 323, 324, 354(B), 379/34 of the Indian Penal Code and Sections 3 (i)(R)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The case of the informant is that the informant had advanced Rs.70,000/- (Rupees Seventy Thousand) as



consideration money for purchase of land from the appellants and in pursuance of oral agreement between the parties, the informant constructed a house on the said land. Thereafter, the appellants started putting pressure upon the informant to vacate the land and for that reason occurrence of abuse and assault was committed.

Submission is that there is no proof of payment of consideration money and just to pressurize not to ask to vacate the land of the appellants, the present false case has been lodged. Even if the allegation is assumed to be correct, an oral agreement does not create title on any land.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.



Accordingly, the impugned order is set aside and this
appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

