

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29267 of 2014

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

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1. Sonalal Mahto son of Late Motilal Mahto
2. Minita Devi wife of Sonalal Mahto All are resident of Village - Piono,
Police Station - Kopa, District - Saran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 17-01-2018 Heard the counsels for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Saran SC/ST P.S. Case No. 42 of 2013 dated 13.08.2013 instituted for the offences under Sections 427, 341, 323, 504/34 of the Indian Penal Code and Sections 3(1)(IX)(X) of SC/ ST (Prevention of Atrocities) Act.

It has been alleged in the First Information Report that the accused persons including the petitioners 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 petitioners 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 has been lodged only with a view to spite the petitioners who are also having a competing claim over the plot of land which is wrongly 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 take control of by the petitioners. When the occurrence was over, the persons of the neighbourhood came for the rescue of the informant. Thus no part of the offence under Section 3(I)(IX)(X) of the SC/ST Act was seen by anyone else. Though, the 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 serious colour to the case, the aforesaid section of the SC/ST Act has been added.

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



period of four weeks from today, they shall be released on bail, subject to their furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Saran 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.)

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