

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2637 of 2018**

Arising Out of PS.Case No. -61 Year- 2017 Thana -SC/ST District- PURNIA

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1. Dinesh Singh, Son of Maheshwari Prasad Singh.
  2. Bal Ram Singh @ Bali Ram Singh, Son of Maheshwari Prasad Singh.
  3. Jay Prakash Singh, Son of Maheshwari Prasad Singh. All resident of Village- Gurmhi, P.S. Simraha, District- Araria.
  4. Rahil Ansari @ Md. Rohil Ansari @ Rahul, Son of Taiyab Ansari @ Md. Taiyab Ansari
  5. Jalal @ Md. Jalal Son of Late Ashique Both resident of Village- Piparpanti, P.S. Jalalgarh, District- Purnea.
  6. Sk. Bablu, Son of Bhutan Miyan.
  7. Butan Miyan, Son of Bulaki Mistri @ Bulaki Miyan.
  8. Budhwa Miyan, Son of Bulaki Mistri @ Bulaki Miyan. No. 6 to 8 are resident of Village- Khata Hat, P.S.- Jalalgarh, District- Purnea.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bijendra Kumar Singh, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 05-10-2018**

Supplementary affidavit has been filed.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 21.06.2018 in A.B.P. No.30 of 2018/Special SC/ST Case No.222 of 2017/CIS No.30 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge



SC/ST, Purnea in connection with SC/ST P.S.Case No. 61 of 2017 registered under Sections 147, 148, 149, 323, 447, 385, 504, 506 of the Indian Penal Code and Sections 3(1)(r) (s)(g) of the Scheduled Castes and Scheduled Tribes Act.

The FIR referred Plot No.566 is recorded in continuous Khatian in the name of Bodh Narayan Singh, the ancestor of the appellants, which would be evident from Annexure-2 to the supplementary affidavit. Genealogical table is at Annexure-3. The informant claims the aforesaid land through registered sale deed from one Nilam Devi, who is nowhere related to the survey recorded tenant.

Considering the bonafide land dispute between the parties and considering the nature of allegation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.



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

**(Birendra Kumar, J)**

Nitesh/-

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