

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1049 of 2018

Arising Out of PS.Case No. -544 Year- 2017 Thana -WAJIRGANJ District- GAYA

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1. Pramod Singh, Son of Ram Padarath Singh
2. Moni Singh, son of Pramod Singh
Both are Resident of Village-Januava, Police Station-Wazirganj, District-Gaya.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No-2, Advocate
For the Respondent/s : Smt. Usha Kumari No-1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 24-05-2018 Heard learned counsel for the Appellants and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 31.01.2018 passed by the learned **Special Judge, SC/ST Act, Gaya, in connection with Wazirganj P.S. Case no. 544 of 2017** registered for the offence under Sections 341, 323, 504, 34 of the Indian Penal Code and Section 3 (i) (R) (S) of SC/ST (Prevention of Atrocities) Act, 1989, by which the prayer for anticipatory bail of the Appellants has been rejected.

Learned counsel for the Appellants has submitted that Appellants have no criminal antecedent. The instant case has been lodged by the informant on account of land dispute. It has further



been submitted that *Parwana* for the aforesaid land has been issued in favour of Sudami Devi, mother of Appellant No. 1 and accordingly, rent receipt has been issued in her favour. A photo copy of *Parwana* and land receipt has been enclosed as Annexure-2 and 2/1 to memo of appeal.

In the written report the informant has alleged that *Parwana* of the aforesaid land has been issued in his favour. It is further alleged that Appellants tried to take possession of the aforesaid land.

As such, there is land dispute between the parties.

In the facts and circumstances of the case, this Appeal is allowed and the impugned order dated 31.01.2018 passed by the learned **Special Judge, SC/ST Act, Gaya, in connection with Wazirganj P.S. Case no. 544 of 2017**, is hereby set aside.

Let the Appellants above named in the event of surrender/arrest within six weeks from today, in connection with **Wazirganj P.S. Case no. 544 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Special Judge, SC/ST Act, Gaya**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned,
(2) Appellants shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if Appellants tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellants.

(Sanjay Priya, J)

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