

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2434 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- DIGHA District- Patna

1. ANIL RAI S/O- Sri Jai Ram Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
2. Soni Rai @ Soni Rani S/O - Sri Jai Ram Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
3. Bundri Rai @ Satendra Rai S/O- Sri Jai Ram Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
4. Chengra Rai S/O- Sri Dukhan Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
5. Guddu Rai S/O- Sri Dukhan Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
6. Indal Rai S/O- Sri Dukhan Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
7. Suddu Rai S/O- Sri Dukhan Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
8. Dukhan Rai S/O- Baldeo Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.
9. Jai Ram Rai S/O- Baldeo Rai Resident of Village- Gate No.- 93, Bansh Koti, P.S.- Digha, Distt.- Patna.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vijay Kumar Sinha
For the Informant	:	Mr. Sanjay Kumar @ Manu
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 04-09-2019 Heard learned counsel for the appellants, learned counsel for the informant and learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 25.04.2019 passed by learned Additional Sessions Judge-VIII-cum-Special Judge SC/ST Act, Patna in connection with Special Case No.157 of 2019, arising out of Digha P.S. Case No.196 of 2019 registered under Sections 447, 504, 506, 420, 467, 468 and 34 of the Indian Penal Code and Section 3(1) (f/g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants got executed forged and fraudulent sale deed regarding the land of the informant and on the basis of the aforesaid sale deed they are adamant to get the aforesaid land measured and take its possession.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. As a matter of fact, the land in question is of the State of Bihar and the I.T.I. Digha Ghat is running on the said land. Regarding the said land Most. Bhagmani Devi executed power of attorney in favour of Raj Kumar Singh claiming himself to be owner of the said land and relying on the said power of



attorney the appellants got executed the agreement to sell from the said Raj Kumar Singh. Thus, the appellants have been cheated by the said Raj Kumar Singh and they are themselves victims. No overt act has been attributed to the appellants. Appellants have no criminal antecedent.

Learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIII-cum-Special Judge SC/ST Act, Patna in connection with Special Case No.157 of 2019, arising out of Digha P.S. Case No.196 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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