

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2449 of 2019

Arising Out of PS. Case No.-80 Year-2016 Thana- SC/ST District- Purnia

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1. KAMLESHWARI SAH Son of Late Anandi Sah Resident of Village - Jorawar Ganj, P.s.- Kumar Khand, Dist.- Madhepura.
 2. Shiv Kumar Sah Son of KamleshWari Sah Resident of Village - Jorawar Ganj, P.s.- Kumar Khand, Dist.- Madhepura.
 3. Puran Sah Son of Late Sukhdeo Das Resident of Village - Jorawar Ganj, P.s.- Kumar Khand, Dist.- Madhepura.
 4. Maheshwar Sah Son of Late Laxmi Sah Resident of Village - Jorawar Ganj, P.s.- Kumar Khand, Dist.- Madhepura.
 5. Ranjan Sah @ Ranjan Kumar Sah Son of Maheshwar Sah Resident of Village - Jorawar Ganj, P.s.- Kumar Khand, Dist.- Madhepura.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 18-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 08.04.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in SC/ST P.S. Case No. 80 of 2016 registered under Sections 447, 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(g) of the SC/ST Act.



Over land dispute, appellants along with other accused persons are said to have descended at the land of the informant and started collecting straw. On protest made by the informant, they slated him in the name of his caste claiming the land to be of their own. His family members and the locals intervened the occurrence.

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. Appellant Kamleshwari Sah had sold out 19 decimal of land to the appellant Puran Singh and rest of the land is in his possession and the informant has no concern with the aforesaid land. Informant has got his name mutated over the property in question taking the employees of the revenue department in his collusion for which the appellant has filed an appeal in the court of DCLR, Banmankhi, Purnea and said mutation order has been set aside. Appellant Ranjan Kumar Sah has filed a case bearing CA Case No. 185 of 2014 against the informant and others. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. There is no F.I.R. named witness in the occurrence.

Learned Spl. PP for the State opposed the prayer for



bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 80 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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