

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3135 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- WARISLIGANJ District- Nawada

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1. MD. ALAM Son of Israil
 2. Md. Aslam @ Md. Aslam Khan Son of Nejam
 3. Md. Imam Ali @ Md. Emam Ali @ Md. Eman Ali Son of Md. Kamru Jama
 4. Laxmi Devi Wife of Rajo Choudhary @ Rajendra Choudhary

All are resident of Kasba Mohalla Muslim Road, Shekhawat Bag, Nawada, P.S. and District-Nawada, appellant no.4 presently residing at village Milki, P.S.-Warisaliganj District-Nawada, present address Krishnapuri, Ward No.9, P.S.-Warisaliganj, District-Nawada.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Rajo Choudhary @ Rajendra Chaudhary Son of Late Mungar Choudhary Resident of Village-Milki, P.S.-Warisaliganj, District-Nawada present address Prabhu Nagar Masahni, (Patel Nagar Ward No.20), P.S.-Warisaliganj, District-Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Devendra Prasad Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-11-2019 Heard learned counsel for the appellants and learned
Additional Public Prosecutor 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 14.06.2019 passed in A.B.P. No. 714/19 by the learned 1st Additional Sessions Judge cum Special Judge, Nawada, in connection with Warisaliganj P.S. Case No. 152/2019 registered for the offence punishable under Sections 341/323/367/372/373/379/420/120(B)/34 of the Indian Penal Code and Section 3(1)(r)(s) and 3(2)(v) of the SC/ST



(Prevention of Atrocity) Act.

Learned counsel for the Appellants submits that admittedly there is a land dispute between the parties and the falsity of the allegation is itself clear from the fact that the first occurrence is of the year 2013 and the second of 2018 and, thereafter, the provisions of the SC/ST Act have also been saddled on the shoulder of the appellants only to make the charge graver. It is further submitted that there is a land dispute and that the appellants will co-operate as and when required in the investigation.

Having regard to the facts and circumstances of the case, let the appellants above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ 1st cum Special Judge, Nawada, in connection with Warisaliganj P.S. Case No. 152/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. Accordingly, the impugned order is set aside and appeal is allowed.

(Anjana Mishra, J)

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