

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3215 of 2019

Arising Out of PS. Case No.-55 Year-2018 Thana- SC/ST District- Patna

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1. Indubala Ray, Wife of Late Ram Parikshan Ray Resident of Village - Lawapur, Mahnar, P.O. Lawapur, Mahnar, P.S.- Mahnar, Dist.- Vaishali.
 2. Chandra Bhushan Kumar, Son of Late Ram Parikshan Ray Resident of Village - Flat No.201, Rameshwaram Apart, D.V.C. Road, Yarpur, P.S.- Gardanibagh, Dist.- and Town - Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Parabhu Nath Kumar Ram @ Prabhunath Kumar Azad Son of Bachcha Ram Resident of Village - House No.501/1, New Jaganpura, Near Central School, P.S.- Ramkrishna Nagar, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Ranjan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-11-2019 Heard learned counsel for the appellants and learned counsel for the respondent State.

The appellants have challenged the order dated 03.07.20019 passed by learned Additional Sessions Judge-XIII-cum- Special Judge, SC/ST, Patna in ABP No. 4791/2019 in connection with S.C. & S.T. P.S. Case No. 55/2018 registered for the offences under sections 147, 148, 149, 341, 323, 379, 427, 504, 506 and 120-B of Indian Penal Code, 3(i)(r), 3(2)(va) of S.C. & S.T. (Prevention of Atrocities) Act and 27 of the Arms Act, whereby the prayer made on behalf of the appellants for



grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that the accused persons taking aid of forged deed through a forged deed were trying to grab the land of the informant and came to the place of occurrence and destroyed the boundary wall and also abused the informant by taking his caste name.

It has been submitted on behalf of the appellants there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case owing to land dispute between the parties. General and omnibus allegation has been made against the appellants. On the alleged date of occurrence, the appellants were not present at the place of occurrence. Appellant No. 1 is a retired teacher.

On behalf of the respondent State, it is submitted that the appellants are named in the F.I.R.

Considering the aforesaid facts and circumstances, this Court is inclined to and sets aside the order dated 03.07.20019, refusing to grant anticipatory bail of the appellants.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum- Special Judge, SC/ST, Patna in connection with SC/ST P.S. Case No. 55/2018.

The appeal stands allowed.

(Sudhir Singh, J)

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