

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3263 of 2019**

Arising Out of PS. Case No.-751 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. RAJEEV NAYAN PRASAD Son of Late Riksheshwar Prasad Resident of Mohalla - Neem Tola, Par Nawada, P.S.- Nawada, District - Nawada
 2. Maheshwar Prasad Son of Ambika Yadav Resident of Mohalla - Gandhi Nagar, Par Nawada, P.S.- Nawada, District - Nawada

... .. Appellants.

Versus

1. The State of Bihar.
2. Meenalata Devi Wife of Kulwant Kumar Resident of Village - Dobbra Par, P.S.- Nawada, District – Nawada.

... .. Respondents.

Appearance :

For the Appellant/s	:	Mr. Sheo Kumar Prasad
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 07-11-2019 Heard learned counsel for the appellants 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 20.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Nawada in connection with Complaint Case No.751 of 2017 registered under Sections 420, 467, 468 & 471 of the Indian Penal Code and Section 3(x) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Kumar Jyoti has purchased the land in question, which is under ownership and possession of the complainant from one Savitri Devi, on the basis of forged sale deed and appellant no.1 happens to be identifier while appellant no.2 witness of the said sale deed. Said Savitri Devi had purchased the said land from Shiv Shankar Singh and others on the basis of forged sale deed. The said co-accused Kumar Jyoti in association of the appellants and another accused started raising boundary wall on the land of the complainant forcibly and on protest made by the complainant he slated him in the name of caste and extended threatening.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case because they happen to be identifier and witness of the said sale deed executed by Savitri Devi. Title Suit No.393 of 2017 is pending between the complainant and the said co-accused Kumar Jyoti. No overt act has been attributed to the appellants. Appellants have no criminal antecedent.

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 1st Additional Sessions Judge cum Special Judge, Nawada in connection with Complaint Case No.751 of 2017, 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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