

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3574 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- COMPLAINT CASE District- Sheohar

1. SUNITA DEVI Wife of Gopal Prasad Gupta @ Gopal Prasad Resident of Village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar.
2. Gopal Prasad Gupta @ Gopal Prasad Son of Late Shivadhari Sah Resident of Village-Nayagaon, P.S.-Sheyampur Bhatahan, District-Sheohar.
3. Baidyanath Rai Son of Ramji Rai Resident of Ward no.13, P.S. and District-Sheohar.
4. Dharmendra Rai Son of Baidyanath Rai Resident of Ward no.13, P.S. and District-Sheohar.

... .. Appellants.

Versus

1. The State of Bihar.
2. Kamal Mehtar Son of Late Asharfi Mehtar Resident of Ward no.14, P.S. and District-Sheohar.

... .. Respondents.

Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman
For the Respondent/s : Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 15-10-
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
26.06.2019 passed by learned Additional Sessions Judge cum
Special Judge, Sheohar in connection with Complaint Case No.01
of 2017 (Trial No.113 of 2018) registered under Sections 323 &



341 of the Indian Penal Code and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants dismantled the house of the informant taking the police under their influence and dumped the garbage on the land of the informant and also initiated a proceeding under Section 144 Cr.P.C. regarding the property in question taking the administration in their collusion. However, on vacating the rule by the SDO, all the appellants arriving at the land of the informant along with the local police personnel slated him in the name of caste and slapped him.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, appellant Sunita Devi has purchased the land in question from the pattidar of the informant in the year 2016 and got her name mutated on the said land and obtained possession thereof but the informant created disturbance in peaceful possession of the land for which the appellants initiated a proceeding under Section 144 Cr.P.C. and due to aforesaid land dispute and to mount pressure upon the appellants informant has lodged this false and frivolous case against them. There is inordinate delay of ten days in filing the complaint petition



without assigning any plausible explanation for the said delay.
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 Additional Sessions Judge
cum Special Judge, Sheohar in connection with Complaint Case
No.01 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)

Trivedi/-

U		T	
---	--	---	--

