

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3814 of 2019

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

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1. KUMAR JYOTI Son of Shyam Sunder Prasad Resident of Mohalla - Ram Nagar, P.S.- Nawada, District- Nawada (Bihar)
 2. Savitri Devi Wife of Late Ashok Ram Resident of Village - Kosra, P.S.- Shekhpura, District- Shekhpura
 3. Shiv Shankar Singh Son of Chando Singh Resident of Mohalla - NimTola Per Nawada, District- Nawada
 4. Anil Singh Son of Chando Singh Resident of Mohalla - Doohra Per Nawada, District- Nawada
 5. Ruby Devi Wife of Sunil Singh Resident of Mohalla - NimTola Per Nawada, P.S.- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 21-11-2019 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 04.07.2019 passed by learned 1st Addl. Sessions Judge, Nawada in Nawada Complaint Case No. 751 of 2017 registered under Sections 420, 467, 468, 471, 149 of the Indian Penal Code and Section 3(x) of the SC/ST Act.

Appellant Kumar Jyoti is said to have purchased the



property of the complainant on the basis of forged sale deed from one Savitri Devi and said Savitri Devi had purchased the said land on the basis of forged sale deed from Shiv Shankar Singh and others and on the basis of said sale deed appellant Kumar Jyoti along with four other appellants started raising boundary wall on the land of the complainant forcibly and on protest made by the complainant he slated her in the name of her 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 due to land dispute. The property in question is hailing to appellant no.1 Kumar Jyoti and Title Suit No. 393 of 2017 regarding the property in question is pending between the complainant and the said appellant. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Complainant has filed aforesaid case to mount pressure upon appellant no.1 to devour his property. Appellants have no criminal antecedent.

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, Nawada in connection with Nawada 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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