

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3914 of 2019

Arising Out of PS. Case No.-282 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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1. ASHOK SINGH S/o Late Ballar Singh @ Late Hari Ballav Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 2. Shambhu Singh S/o Late Ballar Singh @ Late Hari Ballav Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 3. Roushan Singh S/o Late Ballar Singh @ Late Hari Ballav Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 4. Bipin Singh S/o Yoga Singh @ Yoga Nandan Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 5. Suraj Singh S/o Yoga Singh @ Yoga Nandan Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 6. Babloo Singh S/o Rajesh Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 7. Manjay Singh S/o Rama Nand Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 8. Dhiraj Singh S/o Rama Nand Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 9. Chandan Singh S/o Bhup Narayan Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.
 10. Neeraj Singh S/o Late Rajo Singh Resident of Village- Ali Nagar, P.S.- K. Nagar, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-11-2019 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 30.07.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Purnea in K. Nagar P.S. Case No. 282 of 2018 registered under Sections 147, 148, 149, 341, 323, 354(B), 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)(w) of the SC/ST Act.

11 named accused persons including the appellants and 15-20 unknown miscreants assaulted the informant and his family members by means of rod intruding into his house. They slated him in the name of his caste and when three rescuers rushed in their rescue, they also assaulted them. Appellants Shambhu Singh and Chandan Singh shoved his wife on the ground and tore her attire. Appellant Neeraj Singh took away the box containing attire and cash.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to land dispute. Appellants had filed Title Suite No. 12603 of 1964 regarding the said land which was decreed in favour of the appellants. Informant is having greedy eye on the said land and in order to grab the land of the appellants, he has filed this false and frivolous case against them. Earlier to the case under hand,



informant and his family members had lodged a case against the appellants in which final form has been submitted by the police. Informant and his family members are in habit of filing case against the appellants to mount pressure upon them in order to devour their property. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained any injury in the occurrence. Slating the informant in the name of his caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Allegation of theft is super addition. There is inordinate and abnormal delay of 3 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay. 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 cum Special Judge, SC/ST Act, Purnea in connection with
K. Nagar P.S. Case No. 282 of 2018, 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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