

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4218 of 2019

Arising Out of PS. Case No.-118 Year-2019 Thana- BASANTPUR District- Siwan

1. Rajesh Singh @ Rajesh Kumar Singh Son of Shri Harihar Singh Resident of Village- Junaidpur, P.S.- Basantpur, District- Siwan.
2. Prahalad Singh @ Pralhad Singh Son of Late Nagnarayan Singh @ Nagu Singh Resident of Village- Junaidpur, P.S.- Basantpur, District- Siwan.
3. Narad Singh Son of Late Nagnarayan Singh @ Nagu Singh Resident of Village- Junaidpur, P.S.- Basantpur, District- Siwan.
4. Mahavir Singh Son of Late Devnandan Singh Resident of Village- Junaidpur, P.S.- Basantpur, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shekhar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, APP
For the informant	:	Mr. Bijay Prabhash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-12-2019 The instant appeal under section 14A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 has been preferred against the rejection of bail of the appellants vide order dated 28.08.2019 passed in A.B.P No.1534 of 2019 in connection with Basantpur P.S. Case No. 118 of 2019 registered for the offence under sections 141,431,147,323,341,387,427,504 and 34 of the Indian Penal Code and section 3(i) (x) of the SC/ST Act.

As per the allegation in the FIR, it is stated that the accused persons demanded rangdari of Rs. 2 lacs from the informant. Thereafter, it is stated that they abused her in the name of her caste and also assaulted her. It is further stated that one of the co-accused snatched Rs. 5,000/-.

It is submitted by learned counsel for the appellants



that initially a complaint was lodged on 27.11.2018 for the occurrence of 04.11.2018 and the same was numbered as Complaint Case no. 287 of 2018. Ultimately the FIR was registered on 07.04.2019. There is no explanation for the delay in between the date of occurrence and lodging of the complaint. Further attention of the Court is drawn to the pending litigation between the informant and the appellants including the report of the police as contained in Annexure 3 to the petition wherein the appellant no. 4 was the first party while the informant was one of the second party.

By the said report the police reported about the land dispute between the parties and recommended for initiating a proceeding under section 144 Cr.P.C. Later on by the order contained in Annexure 4 to the petition, the said proceeding was converted into a proceeding under section 145 Cr.P.C. Further attention is drawn to the informatory petition dated 2.11.2018 filed by the appellant no. 4 and others against the informant and others raising suspicion that they would be falsely implicated in a case under the SC/ST Act. It is further submitted that even subsequent to filing of the complaint, one Title Suit no. 1260 of 2018 has also been filed by the appellant no. 4 wherein the informant happens to be the defendant no. 2, the said Title Suit having been filed for the reason that the informant had sold joint family land without partition. Copy of the complaint has been brought on record as Annexure 2 to the petition. Counsel for the appellants further relies on the judgment of the Hon'ble Apex Court in the case of Dr. Subhash Kashinath Mahajan v. State of Maharashtra reported in (2018) 6 SCC 454.

It is submitted by learned counsel for the informant that there is direct and specific allegation against the appellants



who are powerful persons and always take the law in their hands. It is further submitted that there is direct allegation against the appellants and this is not a fit case for grant of anticipatory bail.

The application for bail is also opposed by learned Spl. PP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of allegation, series of pending disputes between the parties, the Court is inclined to allow this appeal and the order impugned dated 28.08.2019 passed in A.B.P No. 1534 of 2019 is set aside.

The appellants named above, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with Basantpur P.S. Case No. 118 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st -cum-Special Court, Siwan subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

The appeal stands allowed.

(Partha Sarthy, J)

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