

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4396 of 2019

Arising Out of PS. Case No.-544 Year-2019 Thana- AGAMKUAN District- Patna

RAM SEVAK SINGH Son of Late Jang Bahadur Singh Resident of Village -
Aanand Bihar Colony Bhutnath Road Patna, P.S.- Agam Kuan, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Chandra

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 22-11-2019 Heard learned counsel for the appellant 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 04.09.2019 passed by learned Addl. Sessions Judge-XX cum Special Judge, SC/ST Act, Patna in Agam Kuan P.S. Case No. 544 of 2019 registered under Section 354 of the Indian Penal Code and Section 3(i)(w)(r) of the SC/ST Act.

Appellant along with his family members are said to have been constructing nala encroaching 3 feet land of the informant left towards West for the purpose of ventilation and on protest slated the informant in the name of her caste and misbehaved with her .



It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to land dispute. It is a case of civil nature. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Slating the informant in the name of her caste is said to have been made in the private lane located between the house of the appellant and the informant, hence no offence under SC/ST Act is made out against the appellant. Appellant has no criminal antecedent.

On the other hand, learned Spl. PP for the State and learned counsel for the informant opposing the bail petition submitted that between the house of the informant and that of the appellant there is 6 feet land left for the purpose of ventilation and each one is having 3 feet of the said land and appellant wants to encroach the aforesaid land of the informant by making nala on the same and slated the informant in the name of her caste, hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XX cum Special Judge, SC/ST Act, Patna in connection with Agam Kuan P.S. Case No. 544 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with condition that appellant will not encroach the 3 feet land of the informant left towards West of his house else learned lower court shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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