

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4663 of 2019

Arising Out of PS. Case No.-25 Year-2017 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Bachchi Singh Son of Late Sukhdeo Singh Resident of Village - Sonbarsha Ghat, P.S.- Chautham, Distt.- Khagaria.
 2. Suman Singh @ Angrez @ Suman Kumar Son of Bachchi Singh Resident of Village - Sonbarsha Ghat, P.S.- Chautham, Distt.- Khagaria.
 3. Deepak Singh @ Deepak Kumar Son of Bachchi Singh Resident of Village - Sonbarsha Ghat, P.S.- Chautham, Distt.- Khagaria.
 4. Ramphal Singh Son of Late Puran Singh Resident of Village - Sonbarsha Ghat, P.S.- Chautham, Distt.- Khagaria.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bengo Das Son of Late Ashrfi Das Resident of Village - Sonbarsha Ghat, P.S.- Chautham, Distt.- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Praveen Kumar Agrawal
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 04-11-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 26.09.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in Khagaria Complaint Case No. 25C of 2017 registered under Sections 323, 379/34 of the



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

Appellants arriving at the house of the informant slated him and appellant Bachchi Singh dragging the informant at the door of his house slapped and assaulted him by means of butt of the pistol asking him to vacate the land. When his wife and daughter-in-law rushed in his rescue, appellant Suman Singh and Deepak Singh tore the attire of his daughter-in-law and tried to strip off her attire and outrage her modesty. Appellant Suman also took away his briefcase containing ornaments while appellant Bachchi Singh took away cash of Rs. 1800/- from his pocket.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. As a matter of fact, appellant Bachchi Singh had purchased the land from the informant in the year 2004 and now the informant wants to grab the aforesaid land of the appellant. Regarding the said matter, a proceeding under Section 107 Cr.P.C. was initiated against the informant at the instance of the said appellant and police after investigation of the case, has also found the aforesaid case of the appellant true. Informant has not sustained any injury in the occurrence. There has been inordinate delay of



eight 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, 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 learned 1st Addl. Sessions Judge cum Special Judge, Khagaria in Khagaria Complaint Case No. 25C 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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