

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5151 of 2019

Arising Out of PS. Case No.-37 Year-2017 Thana- COMPLAINT CASE District- Supaul

1. Masomat Shanti Devi, Wife of Late Fuleshwar Thakur, Resident of Village-Hatvaria, P.S.-Pipra, District-Supaul.
2. Sudhir Thakur, Son of Late Fuleshwar Thakur, Resident of Village-Hatvaria, P.S.-Pipra, District-Supaul.
3. Baleshwar Yadav, Son of Late Nasiv Yadav, Resident of Village-Hatvaria, P.S.-Pipra, District-Supaul.
4. Ganeshi Yadav, Son of Late Nasiv Yadav, Resident of Village-Hatvaria, P.S.-Pipra, District-Supaul.
5. Durgi Yadav, Son of Late Nasiv Yadav, Resident of Village-Hatvaria, P.S.-Pipra, District-Supaul.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Bhayji Sada, Son of Late Kaushil Sada, Resident of Village-Hatbaria, P.S.-Pipra, District-Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amar Nath Yadav, Advocate
For the Respondent/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the appellants and the
learned counsel appearing on behalf of the State.

This appeal is directed against the order dated 23.09.2019 passed in A.B.A. No.984/2019 (Arising out of Complaint Case No.37C/2017), whereby and whereunder learned Additional Sessions Judge-1st Cum Special Judge, Supaul, has rejected the anticipatory bail filed by the appellants in the event of their arrest/surrender in connection



with aforesaid case for the offences punishable under Sections 341, 323, 417, 406, 384, 120-B of the Indian Penal Code and Section 3(i)(x) of SC/ST Act. Later on, the learned court below has taken cognizance of the offence under Sections 341, 323, 417, 120-B of the I.P.C. and Section 3(I)(x) of the S.C./ST. Act.

Learned counsel for the appellants submits that the entire case against the appellants are false and motivated and only because there was some sale and purchase negotiation between the parties, the present case has been lodged levelling false and mischievous allegations. Learned counsel for the appellants further submits that entire allegations are omnibus and general in nature against the present appellants and there is no injury report on record by any Medical Practitioner to support the allegations as made out against the appellants. It is submitted that only for the purpose of usurping the plot and the land as mentioned in the complaint petition, the complainant is trying to take the benefit of S.C.& S.T. Act and rope in the present appellants. It is further submitted that the present appellants have no criminal antecedents and therefore, they may be extended the privilege of pre-arrest bail.

Considering the aforementioned facts and



circumstances of the case and there being an element of land dispute, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st Cum Special Judge, Supaul, in connection with Complaint Case No.37C/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the result, the appeal is allowed and the impugned order dated 23.09.2019 is set aside.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--

