

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5061 of 2019**

Arising Out of PS. Case No.-37 Year-2019 Thana- SC/ST District- Katihar

1. SATYANARAYAN RAI @ SATYANARAYAN @ SATTAN RAI Son of Late Parsuram Rai Resident of Chhuhar, P.S.- Falka, District - Katihar.
2. Lakru Prasad Mandal @ Chalitar Mandal @ Chalittar Mandal Son of Late Bisudeo Mandal Resident of Dumar, P.S.- Falka, District - Katihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajendra Prasad Sah
For the Respondent/s : Ms. Usha Kumari 1

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

2 21-11-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 14.10.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with SC/ST Case P.S. Case No. 37 of 2019 registered under Sections 341, 323, 420, 452, 504, 506, 447/34 of the Indian Penal Code and Section 3(i) (v) 3(i) (ch) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Co-accused Ramesh Narayan Sinha agreed to sale



out five decimals of land to the informant and her sister and took Rs.40,000/- but he only executed 2.5 decimals of land in favour of the informant and promised to execute the land to her sister later on but subsequently sold out the said land in favour of the appellant Satyanarayan Rai in connivance with Lakru Prasad Mandal and all the three accused persons slating her in the name of her caste extended threatening of torching her house and of dire consequence in case of not vacating the land.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. Appellant Satyanarayan Rai is bonafide purchaser of 2.5 decimals of land while Larku Prasad Mandal has no concern with the aforesaid transaction. Appellants have been falsely implicated in the case due to land dispute. Though there is allegation of slating the informant in the name of her caste and extending threatening for the last six months but she has not filed any case against the appellants regarding the said occurrence earlier. There is inordinate and abnormal delay of six months in lodging the case 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, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, Katihar in connection with SC/ST Case P.S. Case No. 37 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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