

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.75 of 2019

Arising Out of PS. Case No.-1341 Year-2015 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Baiju Rai son fo Late Chuna Rai
2. Suman Rai son of Sri Baiju Rai
3. Manoj Rai son of Late GopalRai
all resident of village Jamsi, P.S. Lodipur, District Bhagalpur
... .. Appellant/s

Versus

State Of Bihar and Anr
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vivekanand Vivek
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 31.10.2018 passed in ABP No.2588 of 2018 arising out of Complaint Case No.1341 of 2015 for the offences punishable under Sections 323, 435 of the Indian Penal Code and Section 3(i)(x) of SC/ST Act by the learned 3rd Addl District and Sessions Judge cum Special Judge, SC/ST Act, Bhagalpur whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Allegation against the appellants is of dispossessing the informant from the land.



Submission of the learned counsel for the appellant is that the land is *Gairmajaria* land of Bihar Govt. and for that earlier a Title Suit had been filed by the informant and now the present false and concocted case has been lodged against the appellants and his house is also situated near the aforesaid land.

Heard learned Special P.P. also.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Add. District and Sessions Judge, Bhagalpur cum Special Judge, SC/ST Act, Bhagalpur in connection with Complaint Case No.1341 of 2015 subject to condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

