

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5365 of 2019

Arising Out of PS. Case No.-359 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

1. Rima Devi W/o Shriman Pandey Resident of Village - Chourai, P.S.-
Udawan Nagar, Distt.- Bhojpur.
2. Nitesh Pandey @ Nitish Panbdey @ Badak SWon of Shriman Pandey
Resident of Village - Chourai, P.S.- Udawan Nagar, Distt.- Bhojpur.
3. Ramesh Pandey Son of Shriman Pandey Resident of Village - Chourai, P.S.-
Udawan Nagar, Distt.- Bhojpur.
4. Bipul Pandey Son of Shriman Pandey Resident of Village - Chourai, P.S.-
Udawan Nagar, Distt.- Bhojpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shiv Prasad Gupta
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-12-2019 This application for bail has been preferred under section 14A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 by the four appellants against the order dated 14.11.2019 passed in A.B.P No. 2161 of 2019 whereby the learned 1st Additional Sessions Judge, Bhojpur at Ara was pleased to reject the prayer for bail of the appellants’.

As per the allegation in the FIR, after purchasing a piece of land as described in the FIR, on an application for mutation filed by the informant, she learnt that khata number mentioned in the sale deed was wrong. It is stated that when the informant’s nephew and his friend went to the place of the accused persons, they were abused and threatened that they



would be killed. It is finally stated that as a result of conspiracy, they executed the registered sale deed mentioning the wrong khata.

It is submitted by learned counsel for the appellants that from reading of the FIR itself it would transpire that this is a case of purely civil dispute. It is for oblique reasons that the allegations have been made giving it a colour of an offence under the SC/ST Act, however, even from reading of the FIR, no offence under the said Act is made out against the appellants. He further relies on the judgment in the case of Subhash Kashinath Mahajan vs. State of Maharashtra reported in 2018 (6) SCC 454. It is finally stated that the appellants have no criminal antecedent.

The application for bail is opposed by learned Spl. PP for the State submitting that not only the appellants are named in the FIR, there is direct allegation against them of having abused the informant taking his caste name.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation as leveled in the FIR together with the fact that the allegations primarily revolve around a civil dispute and the appellants having no criminal antecedent, the



Court is inclined to allow this appeal and the order impugned dated 14.11.2019 passed in A.B.P No. 2161 of 2019 is set aside.

The appellants above named, in the event of their arrest or surrender in the court below within a period of six weeks from today in connection with SC/ST Case No. 152 of 2019 (arising out of Udwant Nagar P.S. Case No. 359 of 2019) are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur at Ara subject to the conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

Prakash/-

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