

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4288 of 2018

Arising Out of PS. Case No.-306 Year-2018 Thana- DUMRAO District- Buxar

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1. Rajan Tiwari
 2. Pankaj Tiwari, Both are Sons of Baliram Tiwari, R/o-Vill+P.S.-Koransarai, Dist.-Buxar.
 3. Sujan Pathak, Son of Late Parmatma Pathak
 4. Shambhu Pathak @ Shambhu Nath Pathak, Son of Lalan Pathak Both are R/o Vill-Niyajipur P.S.-Simari, Dist.-Buxar.
 5. Santosh Choubey @ Santosh Kumar Choubey, Son of Late Ram Prasad Choubey, R/o Vill.-Khirauli P.S. Dumraon, Dist.-Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Kamal Deo Sharma
For the Respondent/s : Mr.Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 02-01-2019 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 05.10.2018 passed by the ADJ-1st-cum-Spl. Judge SC/ST Act, Buxar, in connection with ABP No. 1002/2018 arising out of Dumraon P.S.Case No. 306 of 2018 registered under Sections 307, 323, 325, 327, 323, 341, 354, 385, 387 and 447/34 of the Indian penal Code and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants is that while the



informant was making construction of her house, they demanded Rs. 1,50,000/- to make construction and threatened to kill her. When her husband came to rescue, appellants quarreled with the husband and also untied her Sari.

Learned counsel for the appellants, while drawing attention of the Court towards Annexure-2, submits that informant herself made a petition before the Circle Officer for measurement of the land on 21.07.2018 and claims that on 22.08.2018 she was making construction of the land but that was started without any measurement having been done. It has been submitted that the land belongs to the appellant no. 5 and there is land dispute between the parties and there is no allegation of abusing the informant by caste name.

Heard learned Spl. P.P also who has opposed the prayer of anticipatory bail on the ground that the appellants are not allowing the informant to construct her house over the land and also demanded ransom from her for construction.

Having heard both sides and in view of the facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the appellants. Let the appellants surrender and make prayer for regular bail, which will be considered by the learned Spl. Judge on the basis of the materials available on



record and also considering the claim of the appellants that the land belongs to them, try to dispose of the prayer of bail of the appellants, if possible, on the same day. Accordingly, the appeal is dismissed.

(Vinod Kumar Sinha, J)

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