

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.939 of 2020

Arising Out of PS. Case No.-163 Year-2019 Thana- DHANSOI District- Buxar

Chandrakant Rai Son of Late Raghubar Rai Resident of Village -
Khocharihan, P.S.- Dhansoi, District- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Kamal Deo Sharma
For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-09-2020 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed for setting aside the order dated 22-01-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Buxar in A.B.P. No. 1317 of 2019 (arising out of Dhansoi P.S. Case No. 163 of 2019) registered for the offence punishable under Sections 341, 504, 506, 406, 420, 467, 468, 471 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST Act, whereby the prayer for anticipatory bail of appellant was rejected.

As per prosecution case, on 03-05-2013, the informant had purchased a piece of land after making a payment of consideration money of Rs. Eight lacs to the appellant, but mutation of the said land was dismissed on the ground that land



does not belong to appellant, rather it exists in the name of petitioner's sister. It is further alleged that when informant approached to appellant, he abused him by calling his caste name.

It is submitted on behalf of appellant that there is land dispute between the parties and no case under the SC/ST Act is made out against the appellant. It is further submitted that between the parties, the matter has already been compromised and in support of the same, a compromise petition has already been annexed, vide Annexure – 2 to the petition.

Considering the aforesaid facts & circumstances, this appeal is allowed and the impugned order dated 22-01-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, Buxar in A.B.P. No. 1317 of 2019 (arising out of Dhansoi P.S. Case No. 163 of 2019) is set aside.

Accordingly, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the appellant, named above, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Buxar in connection with Dhansoi P.S. Case No.



163 of 2019, subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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