

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1017 of 2020

Arising Out of PS. Case No.-350 Year-2019 Thana- BHORE District- Gopalganj

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1. Smt. Rajmati Devi @ Srimati Rajpati Devi Wife of Ram Bilash Ram Resident of Village - Gopalpur, P.S. - Bhorey, District - Gopalganj.
 2. Smt. Shima Devi Wife of Ramanand Ram Resident of Village - Damakiya, P.S. - Bhorey, District - Gopalganj.
 3. Smt. Girija Devi @ Girija Devi Wife of Dinesh Yadav Resident of Village - Domakiya, P.S. - Bhorey, District - Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjya Kumar Chaubey
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The present appeal has been filed for setting aside the order dated 12-02-2020 passed by learned 1st Additional Sessions Judge, Gopalganj in A.B.P. No. 160 of 2020 (arising out of Bhorey P.S. Case No. 350 of 2019) registered for the offence punishable under Sections 341, 323, 354B, 504, 420, 120B of the Indian Penal Code and Section 3(i)(r) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per prosecution case, on the alleged date and time,



while the informant was cleaning her maize field, all the accused persons, including appellants, came and started abusing her and when she protested, the accused persons assaulted her with fists and slaps and it is further alleged that informant was also abused by her caste name.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case due to village politics. From perusal of FIR, it is apparent that there is land dispute between the parties and title suit is also going on between the parties, vide Title Suit No. 427 of 1997, in which, appellant no. 2 & 3 are the bonafide purchasers and appellant no. 1 is seller of the land. There is no allegation of any overt act against these appellants. All the appellants are ladies. In fact, appellant no. 1 & 2 are members of Scheduled Caste category and as such, no case under the SC/ST Act is made out against them. Appellants have clean antecedent.

Considering the aforesaid facts & circumstances as well as the fact that there is land dispute between the parties and title suit is already going on between them, this appeal is allowed and the impugned order dated 12-02-2020 passed by learned 1st Additional Sessions Judge, Gopalganj in A.B.P. No. 160 of 2020 (arising out of Bhorey P.S. Case No. 350 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 appellants, as named above, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Gopalganj in connection with Bhorey P.S. Case No. 350 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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