

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1034 of 2020

Arising Out of PS. Case No.-129 Year-2018 Thana- BHEJA District- Madhubani

1. Vijay Kumar Sahu Son of Ram Kishun Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani
2. Ajay Kumar Sahu @ Ajay Sahu Son of Ram Kishun Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani
3. Rambilash Sahu Son of Late Gulchandra Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani
4. Ramkishun Sahu Son of Late Gulchandra Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani
5. Parmeshwar Sahu Son of Rambilash Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani
6. Rao Kumar Sahu @ Rajkumar Sahu Son of Rambilash Sahu Resident of Village - Ratuar, P.S. - Bheja, District - Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-11-2020 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 10-01-2020 passed by learned A.D.J.-I, Madhubani in A.B.P. No. 1453 of 2019 (arising out of Bheja P.S. Case No. 129 of 2018/G.R. No. 199 of 2018) registered for the offence punishable under Sections 323/324/341/379/448/504/34 of the Indian Penal Code and Sections 3(i(r))(s) of the SC/ST Act,



whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 21-12-2018 at about 4:00 PM, while the informant was sowing seeds and sprinkling fertilizers in his *bataidari* field, all the FIR named accused persons came there and started assaulting him with *lathi*. It is further alleged that accused persons also some other persons of informant side and also took away a box containing Rs. 5000/- case and ornaments and also abused informant by his caste name.

It is submitted on behalf of appellants that appellants have been falsely implicated in this case due to land dispute. In fact, no such occurrence has taken place and at the instance of Gotia of the appellants, the present false case has been lodged against these appellants. It is stated in paragraph – 3 of the memo of appeal that appellants have no criminal antecedent. It is further submitted that no case under the SC/ST Act is made out against these appellants.

Considering the aforesaid facts & circumstances, the appeal is allowed and the impugned order dated 10-01-2020 passed by learned A.D.J.-I, Madhubani in A.B.P. No. 1453 of 2019 (arising out of Bheja P.S. Case No. 129 of 2018/G.R. No.



199 of 2018) 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 A.D.J.-I, Madhubani in Bheja P.S. Case No. 129 of 2018 (G.R. No. 199 of 2018), subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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