

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1258 of 2020

Arising Out of PS. Case No.-55 Year-2018 Thana- SC/ST District- Patna

1. Ram Naresh Sinha Son of Late Saukhi Singh Resident of Village- Bhogipur, P.S.- Gopalpur, Dist.- Patna.
2. Arun Kumar Singh Son of Late Indira Prasad Singh Resident of Mohalla - 9 Shastri Nagar, P.S.- Shastri Nagar, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand

For the Respondent/s : Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 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 25-02-2020 passed by learned Special Judge, SC/ST Act, Patna in A.B.P. No. 1547 of 2020/Special Case No. 652 of 2018 (arising out of SC/ST P.S. Case No. 55 of 2018) registered for the offence punishable under Sections 147/148/448/341/323/379/427/504/506/120(B) of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(g)/3(2)(Va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, wife of the informant had



purchased a piece of land having area of 3 kattha, out of which, she sold 2600 sq.feet in the year 2018 and now 1483 sq.feet land remained in her possession. It is alleged that on 29-11-2018, the FIR named accused persons entered into boundary of said land, broke the gate and destroyed the valuable documents. It is further alleged that accused persons also taken away iron rod worth R. 4,00,000/- (four lacs), 75 bags of cements from there and when it was objected by informant, he was abused and assaulted with fits and slaps.

It is submitted on behalf of appellants that appellants are innocent and have been falsely implicated in this case due to land dispute. In fact, the present false case has been lodged only to create pressure on the appellants side, since a title suit, vide Title Suit No. 378 of 2018 has been filed by the wife of appellant no. 1. It is stated in paragraph – 3 of the memo of appeal that appellants have clean 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 25-02-2020 passed by learned Special Judge, SC/ST Act, Patna in Special Case No. 652 of 2018 (arising out of SC/ST P.S. Case No. 55 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 Special Judge, SC/ST Act, Patna in connection with Special Case No. 652 of 2018 (arising out of SC/ST P.S. Case No. 55 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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