

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1590 of 2020**

Arising Out of PS. Case No.-108 Year-2017 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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1. Abhay Kumar Mishra @ Abhay Mishra Son of Madan Mishra Resident of Village- Mishra Tola, P.S.- Sangarpur, District- East Champaran.
  2. Madan Mishra Son of Late Shivbalak Mishra Resident of Village- Mishra Tola, P.S.- Sangarpur, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Rajesh Ranjan  
For the Respondent/s : Mr.Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      17-12-2020                      Heard learned counsel for appellants and learned  
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 24-02-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, East Champaran, Motihari in Tr. No. 62 of 2019, correspondent to Sangrampur P.S. Case No. 73 of 2014/Enquiry Case No. 131 of 2017, arising out of Case No. Cri. 108 of 2017, registered for the offence punishable under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(x) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, it is alleged that for purchase of some land, Rs. 3,000/- (three thousand) was given



by the informant to appellant no.1 on 06-05-89 and thereafter, the informant paid Rs. 26,000/- (twenty six thousand) in installments by 15-05-95, but the sale-deed was never executed. It is further alleged that on 02-07-2014, when the informant went to the house of appellants and requested either for executing sale-deed or returning aforesaid money, the appellants abused him by his caste name and assaulted by fists and slaps.

It is submitted on behalf of appellants that police, after investigation, submitted final form and thereafter, the complainant (informant) filed a protest-cum-complaint case i.e. Cri. Case No. 108/17 and thereafter, cognizance has been taken. It is further submitted that admittedly, there is land dispute between the parties and at present, Title Appeal No. 40 of 2010, arising out of Title Suit No. 480 of 2002, is pending between them. The appellants have no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances, the impugned order dated 24-02-2020 passed by learned A.D.J.-I cum Special Judge, SC/ST Act, East Champaran, Motihari in Tr. No. 62 of 2019, correspondent to Sangrampur P.S. Case No. 73 of 2014/Enquiry Case No. 131 of 2017, arising out of Case No. Cri. 108 of 2017 is set aside and criminal appeal is allowed.



Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, 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 cum Special Judge, SC/ST Act, East Champaran, Motihari in connection with Trial No. 62 of 2019, correspondent to Sangrampur P.S. Case No. 73 of 2014/Enquiry Case No. 131 of 2017, arising out of Case No. Cri. 108 of 2017.

**(Prabhat Kumar Singh, J.)**

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