

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1937 of 2020**

Arising Out of PS. Case No.-39 Year-2017 Thana- SC/ST District- Sitamarhi

1. Ram Nandan Singh Son of Late Ram Lakhan Singh
2. Ashok Singh Son of Ram Nandan Singh
Both R/O Village - Bariyarpur, P.S. and District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha
For the Respondent/s : Ms. Usha Kumari No. 1, Special P.P.

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

2 18-12-2020 Heard learned counsel for the appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 05.03.2020 passed by 1st Additional Sessions judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 39/2017 registered for the offences punishable under Sections 323/506/379/34 of the IPC and Section 2(1)(F) (G)(S) of SC/ST (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, mother of the complainant, namely, Most. Sakli Dhobin was landless and the government has provided her certain piece of land and the Collector has issued government purcha in her favour for the



said piece of land. After the death of Most. Sakli Devi, the said piece of land was distributed peacefully among her children including this complainant and the complainant was harvesting her part of land happily, but on the date of occurrence, when the complainant went to her field, she saw the appellants were present there and threatened her of dire consequences if the land is cultivated by her as they were claiming their right over the plot. The complainant then said that the land belongs to me and it will be cultivated by me as a result of which the appellants abused the complainant by caste name and also assaulted her by fists and slaps and pushed her on the land and took away the crops worth rupees ten thousand.

It is submitted that because a title suit is pending between the parties, the appellants have been falsely implicated in this case with a view to put pressure on these appellants. It is further submitted that admittedly there is land dispute as such no case under SC/ST Act is made out and the appellants have got no criminal antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 05.03.2020 passed by 1st Additional Sessions Judge cum



Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S.
Case No. 39/2017 is set aside and 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 a 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 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 39/2017.

(Prabhat Kumar Singh, J)

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