

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4155 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- LAUKARIA District- West Champaran

1. DABLU UPADHYAY @ PRAMOD UPADHYAY @ PRAMOD KUMAR UPADHYAY Son of Rambali Upadhyay Resident of Village- Nayagaon Rampur, Police Station- Laukariya, District- West Champaran.
2. Guddu Upadhyay @ Manoj Kumar Upadhyay Son of Rambali Upadhyay Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.
3. Dharmendra Upadhyay @ Dharmendra Kumar Upadhyay Son of Rambali Upadhyay Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.
4. Rambali Upadhyay Son of Late Khaderu Upadhyay Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.
5. Priti Upadhyay Wife of Dharmendra Upadhyay Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.
6. Vijay Mishra Son of Late Anand Mishra Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.
7. Kapildev Mishra Son of Late Anand Mishra Resident of Village-Nayagaon Rampur, Police Station-Laukariya, District-West Champaran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Milind Kumar Mishra, Advocate.

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 03.08.2019 by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST/POCSO Act),



Bettiah, West Champaran in A.B.P. No. 1715 of 2019, arising out of Laukariya P.S. Case No. 48 of 2019 registered under Sections 147, 148, 149, 341, 323, 427 and 379 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

F.I.R. would reveal that own brother of the informant executed registered sale deed allegedly in respect of land of the informant, in favour of appellant Priti Upadhyay and on the basis of registered sale deed, all the appellants forcefully took possession over said land and committed other offences.

Learned counsel for the appellants submits that matter is of pure civil dispute which is to be adjudicated by the competent Civil Court as to whether brother of the informant had share in the property or not and if he would not have any share in the property, appellants who are purchaser would be sufferer. The entire allegation does not reveal that the alleged occurrence was committed for the reason that informant was a member of the scheduled caste.

Finding substance in the submission aforesaid, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail, on furnishing



bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C as well as following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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