

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4991 of 2019

Arising Out of PS. Case No.-92 Year-2017 Thana- BEUR District- Patna

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Shailesh Kumar @ Shalesh Kumar @ Shailesh Kumar Singh, Son of Krishna Singh, Resident of Village - Chilbilli, P.S.- Beur, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raju Prasad
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-01-2020 Learned counsel for the appellant is permitted to correct the typographical error with respect to the year of A.B.P. No.5214 in course of the day.

Heard learned counsel for the appellant and learned Spl. P.P. for the State.

The appellant in the present case is seeking setting aside of the impugned order dated 30.08.2019 passed by Special Judge, SC/ST Act, Patna in A.B.P. No.5214 of 2019 filed in Special Case No.320/2017 arising out of Beaur (Beur) P.S. Case No.92 of 2017 registered for the offences punishable under Sections 427 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that from a



bare reading of the FIR it would appear that the informant who is a beneficiary of Indira Awas under the welfare scheme of the government is eyeing over the vacant land lying in the north boundary of Indira Awas and claiming that 14 ft. of land behind the Indira Awas was in his possession and therefore the trees standing thereon of which the fruits were coming to the informant have been wrongly removed, the present FIR has been lodged.

Learned counsel submits that it is difficult to understand as to how the beneficiary of Indira Awas can claim his possession over the land which is in the boundary and backyard of Indira Awas. It is, thus, according to him a case of an attempt on the part of the informant to grab the vacant land. Learned counsel submits that on a totally false, flimsy and vague allegation the present FIR has been lodged.

Learned Spl. P.P. for the State has though opposed the prayer for anticipatory bail of the appellant, but accepts that the informant cannot be said to be justified in claiming possession over the vacant land lying behind the boundary of Indira Awas.

Considering the facts and circumstances of the case, the nature of the allegations being vague and the reasons shown by the informant are highly contested, let the impugned order be



set aside and in the event of arrest or surrender of the appellant within a period of four weeks from today, the appellant shall be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) 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.320/2017 arising out of Beaur (Beur) P.S. Case No.92/2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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