

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5327 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- SC/ST District- Sitamarhi

1. RAMESH SINGH Son of Ram Prasad Singh Resident of Village-
Panthpakar Tole, Brahmopuri, P.S.- Bathnaha, District- Sitamarhi.
2. Raghvendra Singh Son of Late Maharaj Singh Resident of Village
Panthpakar Tole, Brahmopuri, P.S. Bathnaha, District- Sitamarhi.
3. Jai Narayan Singh Son of Late Biranjan Singh Resident of Village
Panthpakar Tole, Brahmopuri, P.S. Bathnaha, District- Sitamarhi.
4. Viaku Singh @ Vikau singh Son of Late Asharfi Singh Resident of Village
Panthpakar Tole, Brahmopuri, P.S. Bathnaha, District- Sitamarhi.
5. Manoj Singh Son of Ram Nandan Singh Resident of Village Panthpakar
Tole, Brahmopuri, P.S. Bathnaha, District- Sitamarhi.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-01-2020 Heard learned counsel for the appellants and learned
counsel for the State.

The appellants in this case are seeking setting aside of
the order dated 16.11.2019 passed by learned Special Judge
(SC/ST Act), Sitamarhi in A.B.P. No. 2090 of 2019 / 202 of
2019 arising out of Sitamarhi SC/ST P.S. Case No. 18 of 2019
registered for the offences punishable under Sections 341, 323,
354, 384, 504, 506/34 of the Indian Penal Code and Sections
3(i)(s)(r)(w)(i)(f)(g) of SC/ST (Prevention of Atrocities) Act.

By the impugned order prayer of anticipatory bail of
the appellants has been rejected.



Learned counsel for the appellants submits that it is a case of false implication because of land dispute between the parties. In this connection attention of this case has been drawn towards the order dated 24.04.2019 passed in C.W.J.C. No. 7926 of 2019 which was filed by the informant and three of the appellants in the present case were respondents no. 6 to 8 in the writ application. Learned counsel submits that being aggrieved by the said land dispute only a concocted case has been lodged against the appellants.

Learned Spl. P.P. is present and though opposed the prayer for anticipatory bail of the appellants but accepts that in sum and substance the allegations are arising out of a land dispute between the parties.

Considering the facts and circumstances of this case wherein it appears from perusal of the FIR and the order of the learned Writ Court as contained in Annexure '3' that the contention of learned counsel for the appellants stating that there is land dispute between the parties seems to be correct, in view of the submissions made, let the impugned order dated 16.11.2019 passed by learned Special Judge (SC/ST Act), Sitamarhi in A.B.P. No. 2090 of 2019 / 202 of 2019 arising out of Sitamarhi SC/ST P.S. Case No. 18 of 2019 be hereby set-



aside.

Let the appellants above named in case of their arrest or surrender within a period of four weeks from today in connection with Sitamarhi SC/ST P.S. Case No. 18 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Sitamarhi, subject to the conditions 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)

avin/-

U		T	
---	--	---	--

