

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5823 of 2019

Arising Out of PS. Case No.-544 Year-2019 Thana- AGAMKUAN District- Patna

1. Lalita Devi, Wife of Ram Sevak Singh
2. Randhir Kumar @ Ranvir Kumar, Son of Ram Sevak Singh
Both Residents of Mohalla - Aanand Bihar Colony Bhutnath Road Patna,
P.S.- Agam Kuan, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satish Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-01-2020 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 22.10.2019 passed in A.B.P. No. 7995 of 2019 arising out of Agam Kuan P.S. Case No. 544 of 2019 (Special Case No. 273/2019) registered under Sections 354 of the Indian Penal Code and Sections 3(i)(w)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. By the impugned order, the prayer for anticipatory bail of the appellants has been rejected by the learned 1st Additional Sessions Judge-XX-cum-Special Judge SC/ST Act, Patna.

Learned counsel for the appellants submits that the



appellants are innocent and have falsely been implicated in this case due to land dispute. Learned counsel submits that there are general and omnibus allegations against the appellants.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the appellants that from a bare reading of the FIR it would appear that it is a case of land dispute, the parties are close neighbours and the allegations are vague and further that there is no allegation of assault and present case has been lodged only to create pressure upon the appellants, let the impugned order insofar as it relates to the appellants is set aside. The appeal is allowed.

Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Juge-XX-cum-Special Judge SC/ST Act, Patna in connection with Agam Kuan P.S. Case No. 544 of 2019 (Special Case No. 273 of 2019), 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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