

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5884 of 2019

Arising Out of PS. Case No.-32 Year-2019 Thana- SC/ST District- Gopalganj

1. SUBASH PRASAD @ SUBAS PRASAD Son of Late Kapildeo Prasad @ Kapildeo Resident of Village - Mirganj, P.S.- Mirganj, District- Gopalganj
2. Taohid Alam @ Musha Khan (Miya) @ Musa Miyan Son of Wakil Miyan @ Wakil Mahato Resident of Village - Mirganj, P.S.- Mirganj, District- Gopalganj
3. Mewalal Sah Son of Khenhari Singh Resident of Village - Mirganj, P.S.- Mirganj, District- Gopalganj

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Javed Aslam
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The appellants are seeking setting aside dated 22.10.2019 passed in ABP No. 1831 of 2019 by the 1st Additional Sessions Judge, Gopalganj in c Gopalganj SC/ST P.S. Case No. 32/2019 connection with Gopalganj SC/ST P.S. Case No. 32/2019 registered under Sections 420, 406, 321, 323, 504, 506, 120B, 34 of the Indian Penal Code and 3(i)(r)(s)(j), 3(2)(Va) of SC/ST (POA) Act.

Learned counsel for the appellants submits that a title suit with respect to the property in question is going on between



the parties. Appellants have been falsely implicated in this case, the dispute between the parties is of civil nature.

Learned Special 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 a title suit with respect to the property in question is going on between parties and learned Special P.P. for the State having perused the impugned order has informed this court that in the impugned order also the learned court below has noticed about the pendency of the civil suit No. 537/2017 between the informant and one Raghunath Sharma and an injunction order has been passed on 28.03.2014 against the informant and the appellant is said to be a tenant of said Raghunath Sharma as also that an eviction suit filed by the informant has been dismissed by learned Munsif, Gopalganj, the dispute between the parties is of civil nature, let the impugned order be set-aside and in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named appellants be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of



learned 1st Additional Sessions Judge, Gopalganj, in connection with Gopalganj SC/ST P.S. Case No. 32/2019, subject to 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)

Rajeev/-

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