

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1067 of 2021

Arising Out of PS. Case No.-284 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Mukesh Thakur, Son of Late Beni Thakur Resident of Mohalla - Dharamshala Road, Bhagwanpur, Chaksaku, Dalsinghsarai, P.S. - Dalsinghsarai, District - Samastipur. At Present Resident of Mohalla - Ward No. 7, Main Bazar, Dalsinghsarai, P.S. - Dalsinghsarai, District - Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dilip Kumar Roy, Adv.

For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellant as well as learned Special P.P. for the State.

Learned counsel for the appellant is directed to remove all the defects as pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14A(2) of the SC & ST (Prevention of Atrocities) Act, 1989 for setting aside the order dated 18.02.2020 passed by the learned First Additional Sessions Judge-cum-Special Judge SC/ST Act, Samastipur, in connection with Dalsinghsarai P.S. Case No.284 of 2018, G.R. No.1001 of 2018, S.T. No.1045 of 2019, registered for the offences punishable under Sections 341, 323, 504/34 of the Indian Penal Code and



3(1)(r)(s) of the SC & ST (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

Informant, Rita Devi, made allegation in her FIR that accused persons, including the present appellant, were dismantling the wall of the informant. On protest, they inflicted brickbats. The accused persons also abused the informant and her husband by calling caste name. The accused persons also snatched the ear ring from the person of the informant.

Learned counsel for the appellant has submitted that the accused persons have falsely been implicated due to land dispute which is already pending in the court. He has submitted further that a Title Suit No.130 of 2018 is already pending in the court of Sub-Judge, Dalsinghsarai. Xerox copy of certified copy of the complaint has been annexed with the record. He has submitted further that the disputed land does not belong to the informant or her husband. On the contrary the learned Special P.P. opposed the prayer for bail.

As it has been mentioned that already land dispute was going on between the party as such the present case does not appear to be a reason of malicious feelings of caste.

Accordingly, the appeal is allowed and the impugned order dated 18.02.2020 passed by the learned First Additional



Sessions Judge-cum-Special Judge SC/ST Act, Samastipur, is set aside.

Let the appellants above named, in the event of arrest or surrender, within four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned First Additional Sessions Judge-cum-Special Judge SC/ST Act, Samastipur in connection with Dalsingsarai P.S. Case No.284 of 2018, G.R. No.1001 of 2018, S.T. No.1045 of 2019.

Office shall ensure that all defects are removed by the appellant within the stipulated time provided in para-2 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

Prakash Narayan /-

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