

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1277 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- SC/ST District- Saran

SUNIL KUMAR SAH Son of Chandrama Sah Resident of Village -
Shahnewazpur Saran, P.S.- Taraiya, Distt.- Saran, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suman Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-07-2021 Heard Mr. Suman Kumar Mishra, learned counsel

for the appellant and Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

The appellant has challenged the order dated
09.12.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST (POA) Act, Saran at
Chapra in A.B.P. No. 2728 of 2020 arising out of Saran
SC/ST P.S. Case No. 59/2020, whereby the prayer made on
behalf of the appellant for grant of anticipatory bail for the
offences under Sections 148, 341, 341, 342, 468, 420, 504
and 506 of the Indian Penal Code and Section 3(1)(r), 3(x)
(i)(G), 3(i)(s) (N) of SC/ST (POA) Act has been rejected.



It has been alleged in the First Information Report that the grandfather of the informant had purchased a land from Lalita Devi vide a registered sale deed in the year 1981 and he has been coming in possession of the said land from that time onwards. The accused persons including the appellant are alleged to have conspired and obtained that land through another sale deed. Accused no. 1 to 5 who are not the appellants here, have sold the land to the appellant who is the purchaser of the land in question. In the process of taking possession of the land which rightfully belongs to the informant, the appellant is also alleged to have abused and demeaned the informant because of his descent.

Learned counsel for the appellant has submitted that an absolutely false case has been lodged by the informant. The appellant is a bonafide purchaser of the land in question from the son of Lalita Devi. It has been submitted that the claim of the informant is based on bogus grounds. Even otherwise, it has been submitted that even if the property was in dispute amongst the shareholders, the appellant is not to be blamed for having purchased the plot



of land when he was made to understand that the property which he is buying is without any encumbrance. Considering this aspect of the matter, it has been urged on behalf of the appellant that none of the offences under the I.P.C. or under the SC/ST (POA), Act can at all be said to have been made out.

For the submissions advanced on behalf of the appellant, this Court is inclined to interfere with the order refusing to grant anticipatory bail to the appellant.

The order dated 09.12.2020 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra is set aside.

The appeal stands allowed.

The appellant, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt /production of a copy of this order on his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-



Special Judge, SC/ST (POA) Act, Saran at Chapra in
connection with Saran SC/ST P.S. Case No. 59/2020.

(Ashutosh Kumar, J)

sunilkumar/-

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

