

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.221 of 2020

Arising Out of PS. Case No.-676 Year-2019 Thana- DEHRI TOWN District- Rohtas

1. AJAY PAL Son of Mahgu Pal Resident of Village - Lakhaman Bigha, P.S.- (Dihari Nagar), Indrapuri, Distt.- Rohtas.
2. Dukhi Pal @ Dukhi Prasad Son of Rekha Pal Resident of Village - Lakhaman Bigha, P.S.- (Dihari Nagar), Indrapuri, Distt.- Rohtas.
3. Jitendra Kumar Pal @ Jitendra Pal Son of Dukhi Pal Resident of Village - Lakhaman Bigha, P.S.- (Dihari Nagar), Indrapuri, Distt.- Rohtas.
4. Manu Pal @ Sukesh Kumar Son of Umesh Pal Resident of Village - Lakhaman Bigha, P.S.- (Dihari Nagar), Indrapuri, Distt.- Rohtas.
5. Baijnath Pal Son of Firgi Pal Resident of Village - Lakhaman Bigha, P.S.- (Dihari Nagar), Indrapuri, Distt.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-02-2021 Heard both sides.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act for grant of anticipatory bail in Dehari Indrapuri P.S. case No. 676/2019 registered under Section 147, 148, 149, 341, 323, 506, 504, 379 of the IPC and u/s 3(1)(r)(s)(w) of SC/ST Act.

The informant alleged that on account of heavy rain his mud built house collapsed. The accused persons came and



started taking away the woods. When the informant objected the accused persons abused the informant and assaulted him and his brother with sticks.

The learned counsel for the appellants submits that the land of the appellants is situated by the side of the house of the informant. There is land dispute between both sides and on account of such land dispute the informant lodged the case making false allegation against the appellants. It is submitted that informant alleged that all the five appellants assaulted the informant with sticks but the informant got one injury. There is no injury on the person of others and this fact itself shows the falsity of the prosecution case. It is further submitted that informant might have got single injury on account of collapse of his house and he got opportunity to implicate the appellants and others in order to settle the land dispute.

The learned Spl.P.P. submits that informant got injuries but having considered the submissions and on perusal of the records, it appears that omnibus and general allegation of assault is made against all the five appellants. The informant got only one injury, which is simple in nature, although all the five appellants are alleged to have assaulted the informant but no other family members of the informant got any injury. There is



admitted land dispute between the two sides.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail. Accordingly, the appellants, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Rohtas, Sasaram in connection with Dehari Indrapuri P.S. case No. 676/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed.

(Prabhat Kumar Jha, J)

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