

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.209 of 2020

Arising Out of PS. Case No.-71 Year-2019 Thana- SC/ST District- Sitamarhi

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1. NAGESHWAR RAUT Son of Late Prabhu Raut
 2. Vimala Devi Wife of Nageshwar Raut
 3. Anil Raut @ Anil Kumar Son of Nageshwar Raut
 4. Sujit Raut Son of Nageshwar Raut
 5. Ram Bali Raut Son of Late Sahdev Raut
 6. Niranjana Raut Son of Late Sahdev Raut
 7. Ram Swaroop Raut Son of Late Sahdev Raut
 8. Ranjeet Raut Son of Rambali Raut
 9. Gurjeet Raut Son of Rambali Raut
- All Resident of Village - Bashantpur, P.S.- Riga, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Birendra Kumar, Adv.
For the State	:	Mr.Sadanand Paswan, APP
For the Informant	:	Dr.Arunlata Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 01-03-2021 Heard learned counsel for the appellants, Dr. Arunlata Sharma, learned counsel for the informant and Mr. Sadanand Paswan, learned Special P.P. for the State.

This appeal is filed under Section 14(A)(2) of the S.C./S.T. Act against the order dated 09.12.2019 passed by learned Special Judge(S.C./S.T. Act), Sitamarhi by which learned Special Judge rejected the prayer for anticipatory bail of the appellants in connection with Sitamarhi(S.C./S.T.) P.S. Case



No.71 of 2019 registered under Sections 341, 323, 447, 379, 307, 354, 504, 506 and 34 of the Indian penal Code and under Sections 3(1)(r)(s)(w) of S.C./S.T. Act.

The informant, Jai Mangal Ram, alleged that while he was fencing his land of Khata No.314, Plot No.229, 230 and 231 area 6 decimals, the appellants having armed with different weapons such as stick, spear, dabiya and garasa came and began to abuse the informant and his family members. Nageshwar Raut is alleged to have assaulted Raj Mangal Ram with iron rod on his head. Umesh Ram came to save but Ram Swaroop Raut assaulted him with dabiya, a sharp edge weapon. When the wife of the informant came, the accused persons are alleged to have dragged her. The appellants also snatched different articles from the possession of the informant and his family members.

Learned counsel for the appellants submits that present case is also one of the series of litigation lodged by the informant and his family members on account of land dispute. Prior to institution of the present case, the wife of the appellant No.1(Nageshwar Raut) filed Complaint Case No.132 of 2008 against Kapal Ram including Jaimangal Ram and others. They were found guilty under different Sections of the Indian Penal Code and after admonishing, they were let off. Raj Mangal Ram



also lodged Complaint Case No.210 of 2008 which was committed to the Court of Sessions being Sessions Trial No.256 of 2011(Annexure-3) and all the appellants were acquitted by the 1st Additional Sessions Judge-cum-Special Judge, Sitamarhi. On account of bonafide land dispute, the informant is bent upon to implicate the appellants in criminal cases and, therefore, he filed case after cases. It is further submitted that from the injury report, it would appear that Shanti Devi, wife of Raj Mangal Ram did not receive any injury. Raj Mangal Ram got one lacerated wound but the injury is simple in nature caused by hard and blunt substance. Umesh Ram got one lacerated wound and the injury is simple and superficial. Jai Mangal Ram, the informant did not receive any injury.

On the other hand, learned counsel for the informant as well as learned Special P.P. vehemently opposed the prayer for anticipatory bail and submitted that informant belongs from schedule caste. The land stands in the name of the informant but the appellants are bent upon to dispossess him and they assaulted the informant and his family members.

Having considered the facts aforesaid and on perusal of the record, it appears that informant and appellants are on litigating term from before. In one case lodged by the



appellants, the informant and his family members were found guilty but they were let off after being admonished. In the case lodged by the informant and others, the appellants were acquitted. Land dispute between the parties is going on but instead of taking resort to Civil Court both the sides are instituting criminal cases against each other.

Taking into consideration the facts aforesaid, I find that appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 09.12.2019 is set aside and the appellants, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st -cum-Special Judge, S.C./S.T. Act, Sitamarhi in connection with Sitamarhi(S.C./S.T.) P.S. Case No.71 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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