

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1148 of 2021

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

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1. SUDHIR KUMAR SINHA, S/O LATE KAMTA PRASAD R/O FLAT NO. 102, MATRIKUNJ APARTMENT ,MAINPURA, PATNA, BIHAR
 2. SUNIL KUMAR SINHA @ SUSHIL KUMAR SINHA, S/O LATE KAMTA PRASAD R/O FLAT NO.102, MATRIKUNJ APARTMENT, MAINPURA, PATNA, BIHAR
 3. KUMAR PRAJWAL, S/O LATE KAMESHWAR PRASAD SRIVASTAVA R/O FLAT NO.102, MATRIKUNJ APARTMENT, MAINPURA, PATNA, BIHAR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Suman Kumar Mishra
For the Respondent/s : Mr.SPP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-08-2021 Heard Mr. Suman Kumar Mishra, learned Advocate for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

Mr. Suman Kumar Mishra, learned advocate for the appellants seeks permission to withdraw this appeal with respect to appellant no. 3 as he has died during the pendency of the present appeal.

The appeal with respect to appellant no. 3 is dismissed as withdrawn.



The appellant nos. 1 and 2 have 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. 2760 of 2020, arising out of SC/ST P. S. Case No. 59 of 2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 148, 341, 342, 468, 420, 504 and 506 of the Indian Penal Code and Sections 3 (1) (r), 3 (x) (i) (G) and 3 (i) (s) (N) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that the appellants have sold the land which earlier had been purchased by the grandfather of the informant from the mother of the appellants.

It has been submitted on behalf of the appellants that absolutely wrong facts have been presented in the subject F.I.R. In fact, the appellant nos.



1 and 2 are own brothers and are respectable persons. The appellant no. 1 is a retired Chief Manger of State Bank of India whereas appellant no. 2 has retired from the post of Clerk from United Bank of India.

The family property belonging to the appellants was sold to accused no. 6. There is nothing in the revenue / registry records that any sale-deed was ever executed in favour of the informant.

The learned counsel for the appellant nos. 1 and 2 has submitted that since the appellants are absentee landlords, the informant wants to grab their land.

The offence under any Section of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out from the facts of this case.

Considering the afore-stated aspects of the matter, the order dated 09.12.2020, passed by the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran at Chapra, with respect



to appellant nos. 1 and 2, is set aside.

The appeal stands allowed.

The appellant nos. 1 and 2, above-named, are directed to be released on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge – cum – Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with SC/ST P. S. Case No. 59 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The appeal stands disposed off accordingly.

(Ashutosh Kumar, J)

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