

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1233 of 2021**

Arising Out of PS. Case No.-156 Year-2016 Thana- BHABHUA District- Kaimur (Bhabua)

1. Panchdeo Singh S/O Late Kalika Singh R/O Bhabua, Ward No.06, P.S.- Bhabua, District- Kaimur At Bhabua.
2. Kalawati Kuwer W/O Late Kalika Singh R/O Bhabua, Ward No.6, P.S.- Bhabua, District- Kaimur At Bhabua.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prabhakar Singh- Advocate
For the Informant	:	Mr. Rabindra Kumar- Advocate
For the Respondent/s	:	Ms. Usha Kumari-1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Prabhakar Singh, the learned Advocate for the appellants, Mr. Rabindra Kumar, the learned Advocate for the informant and Ms. Usha Kumari-1, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 07.01.2021 passed by the learned Additional District & Sessions Judge-1-cum-Special Judge, Kaimur at Bhabua in connection with Bhabua P. S. Case No.156 of 2016, instituted for the offences under Sections 467, 468, 471, 472, 420, 504, 506/ 34 of the Indian Penal Code and Section 3(i)(iv), 3(2)(vi), 3(1)(X) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of



anticipatory bail has been rejected.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged by the informant who has adopted this cleaver strategy of preventing the appellants from coming in possession of the land in question which they have purchased for valuable consideration. The land in question has been sold by the son of the informant. The land had actually been purchased in the first instance by the wife of the informant. The sale-deed was executed by the son of the informant after the death of the wife of the informant.

The learned counsel for the appellants has also submitted that the informant has filed a Title Suit also vide T.S. No.650 of 2015. The sale-deed is said to have been executed on 08.06.2015 but the case has been lodged on 13.03.2016. Prior to lodging of the case, the Title Suit, referred to above, has been filed by the informant.

It has been alleged by the informant, therefore, that a land over which construction has been made, has wrongly been shown as fallow land and has been sold to



appellant no.1

None of the offences of the provisions of the Indian Penal Code or the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, it has been urged, can, at all, be said to have been made out against the appellants.

It appears to be primarily a civil dispute and only to put undue pressure on the appellants, the present case has been lodged. The appellant no.1, as noted above, is the purchaser of the land in question whereas, the appellant no.2 is the mother of appellant no.1.

For the reasons afore-stated, the order dated 07.01.2021, referred to above, is set aside.

The appeal stands allowed.

The appellants, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1-cum-Special Judge,



Kaimur at Bhabua in connection with Bhabua P. S. Case
No.156 of 2016, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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