

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.319 of 2020

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST District- Darbhanga

1. Ram Kalwar Singh @ Kalwar Singh (Male), aged about 62 years, Son of Late Tej Narayan Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.
2. Prem Shankar Singh (Male), aged about 65 years, Son of Late Tej Narayan Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.
3. Amit Kumar Singh @ Amit Singh (Male), aged about 31 years, Son of Prem Shankar Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.
4. Hanuman Singh @ Rupesh Kr. Singh (Male), aged about 29 years, Son of Salwar Singh @ Ram Kalwar Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.
5. Rakesh Singh @ Rakesh Kumar Singh (Male), aged about 41 years, Son of Kalwar Singh @ Ram Kalwar Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.
6. Amol Singh @ Amol Kumar Singh (Male), aged about 43 years, Son of Prem Shankar Singh, Resident of Village Rampurdih, P.S. Bishanpur, District Darbhanga.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Bikramdeo Singh, Advocate Mr. Udeshya Kr. Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Respondent	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 23-02-2021 Heard Mr. Bikramdeo Singh, the learned counsel for the appellants, Mr. Sadanand Paswan, the learned Special P.P. and Mr. Vinay Kumar Mishra, the learned counsel appearing on behalf of the informant.

The appellants filed this appeal under Section 14A (2) of the SC/ST (POA) Act for setting aside the order dated



11.12.2019, passed in ABP No.2000 of 2019 and for grant of bail in Darbhanga SC/ST P.S. Case No.18 of 2018, registered under Sections 147, 447, 341, 323, 427, 379, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s) and 3(1)(g) of the SC/ST Act.

The informant in sum and substance alleged that on 13.01.2018, all the six appellants came and threatened to assault the informant. They also asked the informant to leave his house. It is further alleged that the appellants assaulted the informant by fists and slaps and damaged the household property. The appellants also took away ornaments from the house of the informant.

Learned counsel for the appellants submits that the occurrence took place on 13.01.2018, but the FIR was lodged on 18.02.2018. There is inordinate delay in lodging the FIR. Learned counsel for the appellants further submits that in fact the appellants purchased the lands of different Khesras number, such as, 3246, 3245, 3247 from Vishwanath Baitha, but the informant, who is the son of Shivji Baitha, wanted to grab the lands purchased by the appellants. Rinku Devi, the wife of the informant, also filed case before the Circle Officer for possession of the land but the Circle Officer vide order dated 15.10.2016 dismissed the petition of the wife of the informant on the ground



that the dispute is of purely civil nature. Vishwanath Baitha sold the lands falling in his share and if Shivji Baitha and his son got any grievance, he may file suit for redressal of the same. It is further submitted that the wife of the informant earlier filed complaint case and the same was also dismissed.

On the other hand, Mr. Vinay Kumar Mishra, the learned counsel for the informant and Mr. Sadanand Paswan, the learned Special P.P. vehemently opposed the prayer for anticipatory bail and submit that from the contents of the FIR, it would appear that there is specific allegation that the appellants abused the informant by naming his caste in full public view and also damaged the property of the informant and his family members.

From the facts, it appears that of course the informant made allegation against the appellants that they abused, assaulted and damaged his property, but it appears that the occurrence took place on 13.01.2018, but the informant lodged the case on 18.02.2018. There is no such plausible explanation for such inordinate delay. It further transpires that in fact the informant is aggrieved by the fact that his co-sharer Vishwanath Baitha executed the sale deed of lands of his own share in favour of the appellants and the informant got *bona fide* land dispute. The informant wanted to take share of Vishwanath Baitha, which has



already been sold to the appellants and for that the occurrence took place.

Having considered the facts aforesaid, I find that the appellants deserve anticipatory bail.

Accordingly, the appellants, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds 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, Darbhanga in connection with Darbhanga SC/ST P.S. Case No.18 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The order dated 11.12.2019, passed in ABP No.2000 of 2019 is set aside. The appeal is allowed accordingly.

(Prabhat Kumar Jha, J)

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