

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.521 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- SC/ST District- Gopalganj

MEERA DEVI Wife of Abhinandan Mishra Resident of Village-Damakiya,
Police Station-Bhorey, District-Gopalganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Lokesh Kumar Singh
For the State	:	Mr. Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Pritish Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-03-2021 Heard both sides.

The appellant filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 02.12.2019 passed by the learned 1st Additional Sessions Judge, Gopalganj in ABP No. 2060/2019 by which the anticipatory bail petition has been rejected on the ground that same is not maintainable and for grant of anticipatory bail to the appellant in Gopalganj SC/ST P.S. case No. 52/2019 registered under Section 341, 323, 504, 506, 385/ 34 of the IPC and u/s 3(i) (r) (s)/3 (2) (Va) of SC/ ST Act.

The informant, in sum and substance, alleged that while she and her husband was returning the appellant and others surrounded them near Harakhua railway crossing and



abused her and her husband by naming her caste. They also threatened to leave the land or pay Rs. Five lakhs.

The learned counsel for the appellant submits that the appellant is a lady. The appellant purchased the land from heirs of Rajesh Ram in the year 2014 through registered sale deed and this fact infuriated the informant that is why the informant concocted a story and filed the present case. The informant herself stated that the occurrence took place on 22.06.2019 but the information to the police was given on 07.08.2019 only after one and half month of the occurrence and this fact itself shows the concoction and falsity of the case. It is further submitted that no offence under any Sections of the SC/ST Act is made out as no independent witness has disclosed about the occurrence.

The learned Spl. P.P. and the learned counsel for the informant vehemently opposed the prayer for anticipatory bail but at the same time could not be able to give any explanation about the institution of the case after one and half month from the date of occurrence.

Having considered the submissions and on perusal of the records, I find that there appears land dispute between two sides. The appellant claims the land on the basis of sale deed executed by heirs of Rajesh Ram in the year 2014 and the



informant also claimed the same land on the basis of sale deed executed by Rajesh Ram in the year 2010 and for that the case has been lodged. There is no explanation with regard to institution of the case after one and half month from the date of the occurrence.

Taking into consideration the facts aforesaid, I find that the appellant deserves anticipatory bail. Accordingly, the appellant, above named, in the event of her arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on her furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Gopalganj in connection with Gopalganj SC/ST P.S. case No. 52/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this appeal is allowed and the impugned order dated 02.12.2019 passed by the learned 1st Additional Sessions Judge, Gopalganj in ABP No. 2060/2019 is set aside.

BKS/-

U		T	
---	--	---	--

(Prabhat Kumar Jha, J)

