

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.608 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- PARAIYA District- Gaya

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1. Ram Upas Pandey, aged about 58 years (Male) Son of Late Nand Kishor Pandey, Resident of Village - Dakhner, P.S.- Paraiya, District - Gaya.
 2. Rajesh Pandey, aged about 39 years (Male), Son of Ram Upas Pandey, Resident of Village - Dakhner, P.S.- Paraiya, District - Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Kaiel Das, aged about 40 years, Son of Raghubir Das, Resident of Village Sakhwan, P.O.+P.S.- Paraiya, District Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailesh Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-03-2021 Heard the learned counsel for the appellants and Mr. Binay Krishna, the learned Special P.P.

Learned counsel for the appellants submits that appellant no.1, Ram Upas Pandey died and his appeal has become infructuous.

Accordingly, the appeal of Ram Upas Pandey, appellant no.1 is dismissed as withdrawn.

The appellant no.2 filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 21.01.2020, passed by learned Special Judge, SC/ST., Gaya in ABP No.20 of 2020, by which the learned Special Judge refused to grant anticipatory bail to the appellant in Gaya Complaint Case



No.1102 of 2018/58 of 2018 (Paraiya P.S. Case No.10 of 2020), registered under Sections 147, 420, 427, 323, 504, 379, 341, 452 and 436 of the Indian Penal Code and under Section 3(i)(x) of the SC/ST Act.

Learned counsel for the appellant submits that the informed filed complaint petition and alleged that appellant no.1, now deceased, sold a piece of land but the informant complained about the defects in title of appellant no.1. the informant further alleged that the area of the sold land is less than mentioned in the sale deed. The sale deed was executed in the year 2002, but the informant requested the appellant no.1 to return the money in the year 2019. Again the appellant disclosed that the occurrence took place in the year 2017-18. It is submitted that from the facts, it appears that on account of land dispute, the present complaint is filed and no occurrence, as alleged, has ever taken place. Name of appellant no.2 is mentioned in the complaint petition, but no allegation is made against him.

The learned Special P.P. did not dispute this fact. However, the learned Special P.P. opposed the prayer for grant of anticipatory bail to appellant no.2.

Having considered the facts and nature of allegations made against the appellant, it appears that the informant on account of land dispute lodged this case in order to satisfy his own



grudge. No specific allegation is made against appellant no.2.

Taking into consideration the facts aforesaid, I find that the appellant no.2 deserves anticipatory bail. Accordingly, the appeal is allowed. The order dated 21.01.2020, passed by learned Special Judge, SC/ST., Gaya in ABP No.20 of 2020 is set aside.

Appellant No.2, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged 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 Exclusive Special Judge, SC/ST., Gaya in connection with Gaya Complaint Case No.1102 of 2018/58 of 2018 (Paraiya P.S. Case No.10 of 2020), subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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