

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1835 of 2021

Arising Out of PS. Case No.-310 Year-2017 Thana- DAUDNAGAR District- Aurangabad

Suresh Singh @ Suresh Yadav, aged about 55 years, male, Son of Soharai Yadav, Resident of Village- Tarari (tole Kurban Bigha), P.S.- Daudnagar, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Leelawati Kumari, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-07-2021 Heard Ms. Leelawati Kumari, the learned Advocate for the appellant and the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated 29.03.2019 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Aurangabad in connection with Daudnagar SC/ST P.S. Case No. 310 of



2017, instituted for the offences under Sections 147, 148, 149, 452, 427, 380, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s)(t) and (z) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The accusation against the appellant and others is of demolishing the southern wall of the house of the informant and also of misbehaving with his family members. Certain belongings of the informant were also allegedly taken away.

It has been submitted on behalf of the appellant that an absolutely false case has been lodged against him and others. The appellant and others had made a complaint against the informant of encroaching upon government land. Based on that complaint, an Encroachment Case No. 4/6 of 2017 was lodged and the boundary wall, which was found to be on the government land, was demolished by the government civil. However, in order to wreak vengeance, the subject F.I.R. has been



lodged against the appellant as one of the accused persons.

It has also been submitted that the appellant is a old man who has no idea about the occurrence which has been reported in the subject F.I.R. and one of the co-accused persons of this case, namely, Babloo Kumar has been granted anticipatory bail by a Bench of this Court *vide* order dated 16.09.2019 passed in Cr. Appeal (SJ) No. 3005 of 2019.

Regard being had to the facts afore-stated, the order dated 29.03.2019, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Aurangabad in connection with Daudnagar SC/ST P.S. Case No. 310 of 2017, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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