

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.789 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Bhagalpur

1. LAXMI DEVI, Wife of Late Sitavi Mandal, Resident of Village- Bandawa, P.S.- Sajour, District- Bhagalpur.
2. Nisha Devi, Wife of Rakesh Mandal @ Rakesh Singh, Resident of Village- Bandawa, P.S.- Sajour, District- Bhagalpur.
3. Rajesh Mandal @ Rakesh Singh, Son of Late Sitavi Mandal, Resident of Village- Bandawa, P.S.- Sajour, District- Bhagalpur.
4. Diwakar Mandal, Son of Mahendra Mandal, Son in Law of Late Sitavi Mandal, Resident of Village- Govindpur, P.S.- Amarapur, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 09.12.2019 passed in A.B.P. No. 2193/2019 by the learned 3rd Addl. District & Sessions Judge -cum- Special Judge, SC/ST Act, Bhagalpur, by which learned Special Judge, Bhagalpur rejected the anticipatory bail petition of the appellants in Bhagalpur (SC/ST) P.S. Case No. 15/2019 registered under Sections 341, 323, 354B, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(g) and 3(2)(Va) of the SC/ST Act.



Learned counsel for the appellants submits that from bare perusal of the F.I.R. itself, it would appear that the informant alleged that land in question was settled in favour of his father in the year 1988-89 and his name was mutated with regard to Khata No. 695, Khesra No. 1631, 1632, 2656, Area 0.79 decimal but the accused persons objected while the informant was sowing paddy crops in the field.

Learned counsel for the appellants submits that prior to institution of the present case, from the side of the appellant one case was lodged against the informant and others. From perusal of the order (Annexure-4), it appears that the land was measured and the appellate authority found the land belonged to the appellants. Only thereafter, the present case has been lodged.

Mr. Sadanand Paswan, learned Spl. P.P. did not dispute the facts and submits that on the face of the allegation it appears that there is land dispute between the two sides for which the present case has been lodged taking recourse to the SC/ST Act.

Having considered the submissions of both sides and on perusal of the records, I find that the appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 09.12.2019 passed in A.B.P. No. 2193/2019 by the learned



3rd Addl. District & Sessions Judge-cum-Special Judge,
Bhagalpur is set aside.

Appellants, above named, in the event of their 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 bonds of Rs. 10,000/- (ten thousand) each
with two sureties of the like amount each to the satisfaction of
the learned 3rd Addl. District & Sessions Judge-cum-Special
Judge, SC/ST Act, Bhagalpur in connection with Bhagalpur
SC/ST P.S. Case No. 15/2019, subject to the conditions laid
down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

rakhi/-

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

