

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1901 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- SC/ST District- Purnia

1. Manoj Mehta, Male, aged about 26 years, Son of Late Satyanarayan Mehta @ Late Satyanarayan Mahto, Resident of Village-Khedli Chak, P.S.- Mirganj, Distt.- Purnea.
2. Munna Mehta, Male, aged about 25 years, Son of Late Satyanarayan Mehta @ Late Satyanarayan Mahto, Resident of Village - Khedli Chak, P.S.- Mirganj, Distt.- Purnea.
3. Sintu Mehta, Male, aged about 22 years, Son of Guneshwar Mehta, Resident of Village - Khedli Chak, P.S.- Mirganj, Distt.- Purnea.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants : Mr. Md Fazle Karim, Advocate.
For the Respondent : Mr. Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 25-05-2021 Heard learned counsel for the appellants and learned Special P.P. for the State through Virtual mode.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the appellants in A.B.P. No. 06 of 2021 in connection with SC/ST P.S. Case No. 55 of 2020, registered for the offences under Sections 341, 323, 354(B), 379, 385, 304, 506/34 of the I.P.C., 3(1)(r)(s), 3(1)(w) and 3(2va) of the SC/ST Act.

The prosecution case, in short, is that on 15.12.2014,



the informant and his brother Dilip Paswan had purchased 07 Decimals of land from one Satyanarayan Mehta. On that land, the houses of the informant and his brother were already existed prior to purchase of that land. On 05.09.2020 at about 4.00 P.M. in the evening, the appellants came armed with weapons and abused by saying his caste name and asked to vacate the land. On that, the informant said that he had purchased the land from the father of accused persons. On that, the accused persons assaulted with fists and slaps and appellant no. 1 said that if the informant wants to stay at this land, he has to purchase it again or has to pay Rs. 5,00,000/- as extortion. Appellant no. 3 forcibly took out Rs. 2,000/- and Mobile Phone from the pocket of the informant and appellant no. 2 took out pistol from his pocket and threatened to vacate the land within ten days otherwise all family members of the informant would be killed. On hulla, the wife and brother of the informant came to rescue the informant, appellant no. 1 torn the Sari of the wife of the informant. When the villagers gathered there, the accused persons fled away.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. They have falsely been implicated in the present case. There is no



allegation of tampering with the witnesses alleged against them. The allegation made in the F.I.R. is denied by the appellants. The present case has been filed after two days of the alleged occurrence. Delay has not been explained by the prosecution. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 29.01.2021, passed in A.B.P. No. 06 of 2021 in connection with SC/ST P.S. Case No. 55 of 2020, by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea, is set aside. The criminal appeal is allowed.

Let the appellants above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Purnea, in connection with SC/ST P.S. Case No. 55 of 2020.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each



with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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