

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.804 of 2020

Arising Out of PS. Case No.-848 Year-2017 Thana- KATIHAR District- Katihar

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1. HARISHANKAR PD. GUPTA @ HARISHANKAR GUPTA @ TUNTUN GUPTA Son of Raghunath Prasad Gupta Resident of Village - Plot No.733, Prop Bari Cooperative Society Colony, Bokaro, P.S.- Sector No.12, Dist.- Bokaro (Jharkhand).
 2. Kishan Gupta @ Kishan Son of Raghunath Prasad Gupta Resident of Village - Plot No.733, Prop Bari Cooperative Society Colony, Bokaro, P.S.- Sector No.12, Dist.- Bokaro (Jharkhand).
 3. Sonu Gupta @ Kunal Kumar @ Kunal Gupta Son of Raghunath Prasad Gupta Resident of Village - Plot No.733, Prop Bari Cooperative Society Colony, Bokaro, P.S.- Sector No.12, Dist.- Bokaro (Jharkhand).

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Lallu Paswan Son of Sri Jagnarayan Paswan Resident of Village - Sabrabad, P.O.- padari, P.S.- Chainari, Dist.- Rohtas at Present Head Office Superintendent, Senior Division, H/E/1C/T/R, NCF Railway katihar, P.S. and Dist.- Katihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Gautam Kumar Yadav
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-03-2021 Heard both sides.

The appellants filed this appeal under Section 14 (A) (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) against the order dated 17.01.2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Katihar in ABP No. 1809/2019 by which the learned Special Judge rejected the prayer for anticipatory bail of the appellants in Katihar Town P.S. case No. 848/2017, registered



under Section 342, 441, 323, 384, 504, 506/34 of the IPC and u/s 3(i)(s)(z) of SC/ ST Act and for grant of anticipatory bail.

The learned counsel for the appellants submits that informant alleged that he owns plot No. 341, area 10 decimals of Khata No. 53. The house of accused persons are situated by the side of land of the informant. The accused persons came to the house of informant, called the informant, abused, assaulted, humiliated the informant and forcibly took his thumb impression on a plain paper. It is submitted that prior to institution of the case the wife of informant filed Bokaro Sector 12 PS case No. 39/2016 under different Sections of the IPC and SC/ST Act. The appellant No.1 and his father, Raghunath Prasad Gupta got anticipatory bail by the Hon'ble Jharkhand High Court vide order dated 24.07.2018 passed in Cr. Appeal (SJ) No. 781/2018.

Taking into consideration the facts that there appears, on the face of it, land dispute between two sides and on account of which wife of the informant earlier also lodged a case in which the appellant No.1 and his father have been allowed anticipatory bail, I find that the appellants deserve anticipatory bail. Accordingly, the appellants, above named, in the event of their arrest/ surrender before the court below within a period of



four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Katihar in connection with Katihar Town P.S. case No. 848/2017, 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 17.01.2020 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Katihar in ABP No. 1809/2019 is set aside.

(Prabhat Kumar Jha, J)

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