

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.881 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- KAJRA District- Lakhisarai

1. Mahendra Sao, aged about 52 years, Male, Son of Late Bikku Sao, Resident of Village Uraen, P.S. Kajra, District Lakhisarai.
2. Amit Kumar, aged about 23 years, Male, Son of Mahendra Saw, Resident of Village Uraen, P.S. Kajra, District Lakhisarai.
3. Deepak Kumar, aged about 21 years, Male, Son of Mahendra Saw, Resident of Village Uraen, P.S. Kajra, District Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST Act against the order dated 21.01.2020, passed in ABP No.71 of 2020, by which the learned Special Judge, SC/ST, Lakhisarai rejected the prayer for anticipatory bail of the appellants in Kajra P.S. Case No.126 of 2019, registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and under Sections 3(i)(r) of the SC/ST Act.

The informant alleged that all the three appellants came to her Darwaza and started abusing her by naming her caste. The occurrence took place only because the informant purchased a piece of land and there is no egress and ingress of that land. For



that there is a dispute between the two sides.

Learned counsel for the appellants submits that the occurrence took place on account of demand of the informant to give a passage from the land of the appellants. There is a counter version being Kajra P.S. Case No.127 of 2019. The accused of Kajra P.S. Case No.127 of 2019 has already been granted anticipatory bail vide order dated 30.06.2020, passed in Cr. Misc. No.14470 of 2020.

The learned Special P.P. opposed the prayer for anticipatory bail, but at the same time, admitted that the occurrence took place due to land dispute with regard to passage. Both the sides sustained simple injury on account of scuffle.

Having considered the submissions and the facts that there is case and counter case, the appellants are alleged to have abused the informant and assaulted her family member but simple injuries are caused to them, the genesis of the case is on account of land dispute and the informant wanted the lands of the appellants to be used as passage, I find that the appellants deserve anticipatory bail.

Accordingly, the appeal is allowed. The order dated 21.01.2020, passed in ABP No.71 of 2020 is set aside.

The 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 Additional District & Sessions Judge-I-cum-Special Judge, Lakhisarai in connection with Kajra P.S. Case No.126 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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