

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.874 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- SC/ST District- Muzaffarpur

-
1. MANORAMA SINGH Wife of Prabhat Kumar Singh Resident of Village - Batauliya, P.S.- Paroo, Distt - Muzaffarpur.
 2. Prabhat Kumar Singh Son of Late Ganesh Prasad Singh Resident of Village - Batauliya, P.S.- Paroo, Distt - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar Alok, Adv

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 29.01.2020 passed in A.B.P. No. 3875 of 2019 by the learned Special Judge, SC/ST Act, Muzaffarpur, by which learned Special Judge rejected the anticipatory bail petition of the appellants in SC/ST P.S. Case No. 51/2019 registered under Sections 420, 406, 427, 341, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act.

The informant alleged that he had talked with the appellants for purchase of a piece of land of Khata No. 802, Khesra 2867 & 2868, Area 7 Dhurs for his brother-in-law,



namely, Shivjee Paswan and Rs. 21,000/- was paid on the same day and a stamp paper was prepared between Shivjee Paswan and appellant no. 2, Prabhat Kumar Singh. The informant gave Rs. 94,000/- to appellant no. 2 in presence of appellant no. 1 along with a cheque of Rs. 15,000/- and cash of Rs. 62,000/-. Altogether, Rs. 1,71,000/- was given to the appellants but no sale deed was executed with regard to the aforesaid land. Appellant no. 1, Manorama Singh, proposed to sale the land of Khesra No. 308, Khata No. 709 situated in village Patahi and allowed the informant to reside on the land to put hut. The informant was residing thereon but later on the appellants with other unknown persons reached there and got the lock of room being prepared by the informant broken and destroyed the hut standing on the land.

Learned counsel for the appellants submits that the informant was negotiating for purchase of land for his brother-in-law but he never paid the entire consideration money. The informant forcibly occupied the land of appellants and constructed hut and at the instance of the appellants, the S.P., Muzaffarpur get the land vacated from the informant. It is further submitted that on account of such dispute this false case has been lodged taking recourse to the different Sections of the



SC/ST Act. If the sale deed has not been executed, the brother-in-law of informant has got cause of action to file suit for specific performance of contract.

Mr. Sadanand Paswan, learned Spl. P.P., on the other hand, submits that there is specific allegation that the appellants abused and assaulted the informant and damaged his hut. Appellant no. 2 himself had allowed the informant to construct the hut on the land.

Considering the facts aforesaid and submissions of both sides it appears that in fact the genesis of the dispute is with regard to sale and purchase of land and receipt of consideration amount but thereafter the informant lodged the case making allegation that it was appellant no. 2 who had handed over the possession of piece of land to him on which he constructed the hut, the accused persons damaged the same and removed him from the possession of land, the dispute itself appears to be land dispute, I find that the appellants deserve anticipatory bail. Accordingly, the appeal is allowed. The order dated 29.01.2020 passed in A.B.P. No. 3875 of 2019 by the learned Special Judge, SC/ST Act, Muzaffarpur 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 Special Judge, SC/ST Act, Muzaffarpur in connection with SC/ST P.S. Case No. 51/2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

rakhi/-

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

