

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2135 of 2021**

Arising Out of PS. Case No.-3801 Year-2015 Thana- VAISALI COMPLAINT CASE
District- Vaishali

HITENDRA SAMYAR @ HITENDRA SAMAIYAR Son of Lala Sanjani
Kumar Samaiyar Resident of House No. Ny- 14, Sumitra Sadan, New Yarpur
Road, P.S. - Buddha Colony, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Faujdar Ram @ Faudar Ram Son of Late Pagal Ram Resident of Village -
Shembhapur, P.S. - Sarai, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mahendra Pratap
For the Respondent/s : Mr.SPL. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The appellant has challenged the order dated
06.01.2021 passed by learned 1st Additional District and
Sessions Judge-cum- Special Judge, Hajipur, Vaishali in ABP
No. 2880/2020 in connection with Complaint Case No. 3801 of
2015 registered for the offences under sections 420, 384, 34 of
the Indian Penal Code and 3(i)(x) of the SC/ST (Prevention of
Atrocities) Act whereby the prayer made on behalf of the



appellant for grant of anticipatory bail has been rejected.

Prosecution allegation, in short, is that due to dispute over filling of land, the accused persons have cheated the informant.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. A lease agreement was entered into between the parties and after the lease period, it is alleged that the land in question was not vacated by the lessee. The matter relates to civil dispute. Other co-accused has been granted anticipatory bail vide Annexure-2 to the present appeal. The alleged occurrence has not taken place within public view. Hence, no offence under SC/ST Act is made out in the present case.

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

Considering the aforesaid facts and circumstances, the order dated 06.01.2021 passed by learned 1st Additional District and Sessions Judge-cum- Special Judge, Hajipur, Vaishali in ABP No. 2880/2020 in connection with Complaint Case No. 3801 of 2015, is set aside.



The appeal stands allowed.

Let the appellant above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1st Additional District and Sessions Judge-cum- Special Judge, Hajipur, Vaishali in connection with Complaint Case No. 3801 of 2015.

Once the normalcy is restored, the appellant shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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