

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1031 of 2020

Arising Out of PS. Case No.-48 Year-2015 Thana- GHOGHARDIHA District- Madhubani

MURARI KUMAR MISHRA @ MURARI MISHRA, aged about 42 years,
Male, S/o Late Yogendra Mishra, permanent resident of Village-Tilath, P.S.-
Choghardiha, Distt- Madhubani.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr.Abhay Shankar Singh, Advocate.
For the Respondent : Mrs.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2021 Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant in connection with Ghoghardiha P.S. Case No. 48 of 2015, registered for the offences under Sections 147, 149, 341, 323, 379, 420, 504 of the I.P.C. and 3(i) (v) (vi) and (xv) of SC/ST Act.

The prosecution case, in short, is that the informant got *Basgit Purcha* for a land upon which she was residing by erecting three residential huts. It is further alleged that F.I.R. named accused persons came variously armed with *Lathi*, *Bhala*, *Farsa* etc., and started removing her northern huts. She was also abused by caste name and upon protest, she was assaulted with *Lathi*, fists and slaps and articles worth Rs.



1200/- was taken. She went to the police station but no case was instituted. Again on 30.03.2015 at about 12.00 P.M. in the night, all accused came and her hut put on fire by sprinkling kerosene oil resulting loss of Rs. 5,000/- to her. It is further alleged that in the same plot, remaining 2 katha 10 dhurs land belonging to the landlord Murari Mishra (appellant) was given to her for which Rs. 90,000/- and 13 quintals paddy were also taken as her son was allegedly working with the appellant @ Rs. 3,000/- per month and salary for 2 ½ years comes to Rs. 90,000/- which was adjusted towards consideration of said land by her son but no registry was done. Hence, the appellant misappropriated her money and had transferred the said land to F.I.R. accused nos. 1 to 10.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. The appellant has falsely been implicated in the present case. Due to land dispute the present case has been instituted. The matter relates to civil dispute. 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 appellant is named in the F.I.R.



In view of the aforesaid facts and circumstances, the order dated 13.01.2020, passed in A.B.P. No. 1317/2019 by learned Ist Additional Sessions Judge, Madhubani, in connection with Ghoghardiha P.S. Case No. 48 of 2015, is set aside. The criminal appeal is allowed.

Accordingly, the appellant, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Madhubani, in connection with Ghoghardiha P.S. Case No. 48 of 2015.

(Sudhir Singh, J)

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