

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2496 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

1. BRIJ MOHAN SINGH, S/O LATE RAJA SINGH R/O MOHALLA-RAMPURJOI, P.S-SHEOSAGAR, DISTRICT-ROHTAS.
2. RAVI KUMAR, S/O BRIJ MOHAN SINGH MOHALLA RAMPURJOI

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shankar Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2021 Heard Mr. Vikram Deo Singh, learned Advocate

for the appellants and Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated
23.03.2021, passed by the learned 1st Additional
Sessions Judge cum Special Judge, Rohtas at Sasaram,
in A.B.P. No. 158 of 2020, arising out of Sasaram
(Mufassil) P. S. Case No. 196 of 2020, whereby the
prayer made on behalf of the appellants for grant of
anticipatory bail for the offences punishable under
Sections 341, 323, 386, 504, 506, 379 and 34 of the



Indian Penal Code and Section 3 (I) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

Though the appellants are stated to have assaulted and abused the members of the prosecution party but the subject F.I.R. has been lodged because of old land dispute between the parties.

Reference of a Title Suit has been given in the Memo of Appeal. During the pendency of the Title Suit, referred to above, the land was fraudulently registered in the name of the members of the prosecution party for which two mutation cases are pending. Thus, no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 can at all be said to have been made out. In fact, there is an earlier litigation between the parties also which ended in final report false in favour of the appellants.

For the afore-stated reasons, the order dated 23.03.2021, passed by the learned 1st Additional



Sessions Judge cum Special Judge, Rohtas at Sasaram,
is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to
be released on bail, in the event of their arrest or
surrender before the court below within a period of eight
weeks from the date of receipt / production of a copy of
this order, on their furnishing bail bonds in the sum of
Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
1st Additional Sessions Judge cum Special Judge, Rohtas
at Sasaram, in connection with Sasaram (Mufassil) P. S.
Case No. 196 of 2020, subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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