

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2480 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANJAY RAI @ SANJAY KUMAR S/O RAM KARAN RAI @ RAM
ADHAR RAI R/o village- Korlohiya Hari Narayan, P.S.- Runnisaidpur,
District- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 30-06-2021 Heard Mr. Alok Kumar Alok, learned counsel for the
appellant and Mr. Sadanand Paswan, learned Special Public
Prosecutor appearing for the State through video conferencing.

This appeal has been preferred on behalf of the
appellant for setting aside the order dated 8.4.2021 passed by
the learned Special Judge, SC/ST Act, Muzaffarpur, whereby the
prayer for bail of the appellant in connection with Ahiyapur P.S.
Case No. 125 of 2021 registered for the offences punishable
under Sections 341, 323, 354, 379, 504, 420, 406, 467, 468,
471/34 of the Indian Penal Code, 1860 and Section 3(1)(r)(s) of
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, has been rejected.

The prosecution case as per the First Information



Report is that on 17.1.2021, the accused persons along with the appellant arrived at the land of the informant where the brick for construction of house of the informant was kept and asked the informant to remove the bricks. It has further been alleged that the accused persons abused the informant and when the informant objected, the informant was pushed on the ground by the appellant holding her hair. Thereafter, all the accused persons assaulted her with fists and slaps and also threatened the informant and her family members of life. The informant further alleged that in the year 2012 co-accused Amar Nath Rai had come and obtained the Power of Attorney of the land from her husband and after hatching conspiracy with the appellant and others, got the land of the informant registered in the name of Ramkaran Rai without paying penny to the informant and her husband.

Learned counsel for the appellant submits that the appellant has not committed any offence in the manner alleged and he has got no concern with the transaction of the land between co-accused Amar Nath Rai and family members of the informant. The entire negotiation was being done by Amar Nath Rai and family members of the informant inasmuch as referring to the *Panchayti* of the *Gram Panchayat*, learned counsel for the



appellant submits that from perusal of the proceeding of *Gram Panchayat*, it would be evident that Amar Nath Rai was the first party in the proceeding before the *Panchayat* and the *Panchayat* after coming to the conclusion that it was Amar Nath Rai who had taken Power of Attorney from the informant's family, directed him to pay a sum of Rs.25,00,000/- to the informant's side within a period of three months. Learned counsel next submits that the appellant is in custody since 13.3.2021 having no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the materials on record and the Proceeding before the *Gram Panchayat*, I am inclined to grant bail to the appellant.

Accordingly, this appeal is allowed and the order dated 8.4.2021 passed by the learned Special Judge, SC/ST Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 125 of 2021 is hereby set aside. The appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 125 of 2021.



It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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