

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1711 of 2020**

Arising Out of PS. Case No.-17 Year-2016 Thana- SC/ST BETTIAH District- West
Champaran

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1. Raghunath Rai, aged about 55 years, Male, S/o Yaduni Rai
 2. Lalbabu Rai @ Lala Babu, aged about 27 years, Male, S/o Raghunath Rai
 3. Arbaz Rai, aged about 23 years, Male, S/o Raghunath Rai
 4. Naimullah Rai, aged about 22 years, Male, S/o Raghunath Rai
 5. Nasima Khatoon, aged about 50 years, Female, W/o Raghunath Rai, all
resident of Village-Kurshibarwa, Police Station-Sikta, District-West
Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai, Advocate
For the State : Mrs. Usha Kumari No.1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 18-01-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 06.03.2020
passed by learned 1st Additional District and Sessions Judge-
cum-Special Judge (SC/ST/POCSO), Bettiah, District- West
Champaran in A.B.P. No.401 of 2020, whereby the Anticipatory
Bail Petition of the appellants in connection with SC/ST P.S.
Case No.17 of 2016, Trial No.12 of 2017 registered for the
offences punishable under Sections 341, 323, 504/34 of the
Indian Penal Code and Sections 3 (i)(iv)(x) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been rejected.

The prosecution case, in short, is that SC/ST Police Station Case No.17 of 2016 was registered on 09.07.2016 under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(iv)(x) of the “SC/ST Act” on the basis of written first information report of one Chingi Baitha, son of Nathuni Baitha dated 09.07.2016 filed before the S.H.O. SC/ST Police Station, Bettiah. The informant made accused to (1) Raghunath Rai, (2) Lalbabu Rai, (3) Arbaz Rai, (4) Naimullah Rai, (5) wife of Raghunath Rai, namely, Nasima Khatoon.

The informant in his written first information report alleged that Raghunath Rai (appellant no.1), son of Yaduni Rai having with his family members got purchased settlement land of the informant appertaining to Khata No.251 area 04 Dhurs from his Pattidar Chouki Baitha and got possession forcibly over the land too, while the said land was settled in the name of father of the informant, namely, Nathuni Baitha in the year 1970. The Panches of the village asked Raghunath Rai to leave the land which he disobeyed then he along with his brother Bhadai Baitha asked Raghunath Rai to leave the land in favour of the informant, but the accused persons named above abused



by taking caste name and assaulted with fist and slaps.

Learned counsel for the appellants submits that there is admitted land dispute between the appellants and the informant. Learned counsel for the appellants further submits that the appellant no.1 is purchaser of the land mentioned in the F.I.R. on giving consideration money to the co-sharer of the informant, namely, Chouki Baitha and sale deed was executed on 10.12.1986 against consideration money.

Considering the submission of the parties, it is admitted that there is land dispute between the parties.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of 1st learned Additional District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, District – West Champaran in connection with SC/ST P.S. Case No.17 of 2016, Trial No.12 of 2017, subject to the condition as laid down under Section 438(2)



of the Cr.P.C.

Accordingly, the order dated 06.03.2020 is set aside
and appeal is allowed.

(Anjani Kumar Sharan, J)

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