

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2909 of 2021**

Arising Out of PS. Case No.-77 Year-2021 Thana- KOPA District- Saran

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1. AWADHESH SINGH S/O LATE RAM NAGINA SINGH R/O VILLAGE-REWADI, P.S-KOPA, DISTRICT-SARAN AT CHAPRA.
 2. RAJEEV KUMAR SINGH @ RAJEEV KUMAR S/O AWADHESH SINGH R/O VILLAGE-REWADI, P.S-KOPA, DISTRICT-SARAN AT CHAPRA.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-07-2021 Heard the learned counsel for the appellants and

the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 19.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act Saran, Chapra in A.B.P. No. 1187 of 2021 arising out of Kopa P.S. Case No. 77 of 2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 354-B, 427, 504, 506 and 34 of the Indian Penal and under Section 3(1)(r)(s) of SC/ST (POA) Act has been rejected.



The accusation in the First Information Report is that the appellants and others abused the Revenue Karamchari when he had come at the instance of the informant to measure her land. When this was protested, the appellants are said to have abused and demeaned the informant and also tried to disrobe her.

Learned counsel for the appellants has submitted that an absolutely false case has been lodged against the him and others. The occurrence is said to have taken place on 08.04.2021 but the fact of the matter is that with respect to a dispute over a plot of land, a Title Suit has been filed by appellant no. 1 vide Title Suit No. 341/2021 before the competent court at Chapra. In retaliation to the afore-noted civil litigation, ten days after the so called occurrence, the subject F.I.R. has been lodged. The accusations are absolutely general and omnibus and the invocation of the provisions of SC/ST (POA) Act is for specific purpose to make the case look serious. The appellants have their property situated just besides the land of the informant.

For the reasons afore-stated the order dated



19.06.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act Saran, Chapra, 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act Saran, Chapra in connection with Kopa P.S. Case No. 77 of 2021.

(Ashutosh Kumar, J)

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