

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1840 of 2020**

Arising Out of PS. Case No.-3 Year-2020 Thana- SC/ST District- Saran

1. Harendra Singh, aged about 58 years, Male, S/o Ram Nigah Singh
2. Vijay Kumar Singh @ Ranvijay Kumar Singh, aged about 32 years, Male, S/o Harendra Singh
3. Dharmaveer Kumar Singh, aged about 26 years, Male, S/o Birendra Singh, all resident of Village-Dhenuki, Police Station-Panapur, District-Saran (Chapra).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sachida Nand Rai, Advocate
For the Respondent/s : Mr.A.G.

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

2 26-02-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 18.06.2020 passed by learned Additional & Sessions Judge-1st-cum-Special Judge SC/ST, Saran at Chapra in A.B.P. No.711 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Sessions Trial No.03 of 2020 arising out of Saran SC/ST P.S. Case No.03 of 2020 registered for the offences punishable under Sections 341, 323, 420, 504, 506/34 of the Indian Penal Code and Sections 3 (i)(r)(s)(g) 3(2)(va) of SC/ST (Prevention of Atrocities) Act, has been rejected.



The prosecution case, in short, is that on the basis of written first information report of one Shatrudhan Manjhi, son of late Parmanand Manjhi Saran SC/ST Police Station Case No.03 of 2020 was registered on 05.01.2020 for the occurrence alleged to be taken place on 24.11.2019 at 07:00 p.m. making accused to (1) Harendra Singh, (2) Vijay Kumar Singh and (3) Dharmaveer Kumar Singh.

The informant in his written first information report alleged that on 06.11.2019, the accused persons named above got registry of his valuable land appertaining to Khata No.386, Survey No.1129 area 02 Katha 9 ½ Dhurs without paying considewration money, fraudulently. He further stated that he was working as labourer at the house of Harendra Singh on remuneration of Rs.5,000/- monthly and the remuneration too was not being paid as per the promise/agreement with him.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. There is admitted fact that there is land dispute between the parties. Learned counsel for the appellants further submits that prima-facie the genesis of the F.I.R. discloses the nature of case as civil nature. There is no specific allegation of any overt act has been alleged against the appellants. There is no allegation to



abuse on his caste name. The alleged occurrence took place on 24.11.2019 but the F.I.R. was lodged on 5.11.2020 after lapse of 41 days.

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 learned Additional District & Sessions Judge-1st-cum-Special Judge SC/ST, Saran at Chapra in connection with Sessions Trial No.03 of 2020 arising out Saran SC/ST P.S. Case No.03 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 18.06.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

U		T	
---	--	---	--

