

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2911 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- SC/ST District- Samastipur

-
1. MUKHESHWAR PRASAD SINGH @ MUKESH KUMAR SINGH @ MUKHESHWAR PRASAD SINGH Son of Late Ramavtar Singh Resident of Village - Gangapur, Ward No. 3, P.S.- Musrigharari, District - Samastipur.
 2. Shyam Kumar @ Shyam Kumar Singh Son of Mukheshwar Prasad Singh @ Mukesh Kumar Singh @ Mukeshwar Prasad Singh Resident of Village - Gangapur, Ward No. 3, P.S.- Musrigharari, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Binay Krishna

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.

This appeal is directed against the order dated 08.06.2021 passed by the learned 1st Additional Sessions Judge, Samastipur in A.B.P. No. 1063 of 2021 arising out of SC/ST P.S. Case No. 13 of 2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of SC/ST (POA) Act has been rejected.

It has been alleged in the First Information Report



that despite the appellants having received an amount of Rs. One Lakh and Fifty Thousand for conveying a property to the informant, the land has yet not been transferred

Learned counsel for the appellants has submitted that the informant never meant to lodge a case with respect to that offence otherwise the F.I.R would have been registered under section 406 or 420 of the Indian Penal Code. The only accusation in the F.I.R. is that the informant was called on the land of the appellants where he was abused. Precisely for this reason, offences under Section 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (POA) Act have been charged against the appellants. In fact, it has been urged on behalf of the appellants that they being father and son amongst themselves, had purchased a property a few days ago on which the informant had his eyes. It is for that reason, this false case has been instituted, perhaps to coerce the appellants into allowing the informant to remain settled in one portion of the said land. No offence under anyone sections of the Indian Penal Code or of the SC/ST (POA) Act



can at all be said to have been made out from the facts of this case.

For the reasons afore-stated, the order dated 08.06.2021 passed by the learned 1st Additional Sessions Judge, Samastipur, 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 1st Additional Sessions Judge, Samastipur, in connection with SC/ST P.S. Case No. 13 of 2021.

(Ashutosh Kumar, J)

sunilkumar/-

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

