

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2982 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- SABAUR District- Bhagalpur

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HENA FATIMA W/O MD. SHAKIL AHMAD @ MD. SAID AHMAD @
DABLU R/o village- Bansi Tikar, P.S.- Sabour, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr.Dhananjay Kumar Pandey, Advocate
For the State	:	Mr.Sadanand Paswan, Spl. P.P.
For the informant	:	Mr.Dhananjay Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2021 Heard learned counsel for the appellant, learned Spl.
P.P. for the State and learned counsel for the informant.

Counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Learned counsel for the appellant submits that the limitation, as pointed out by the office, be condoned in the light of the order dated 08.03.2021, passed by the Hon'ble Apex Court, in Suo Motu Writ Petition (Civil) No.03 of 2020.

Considering the submissions made on behalf of the learned counsel for the appellant, the limitation, as pointed out by the office, is condoned.

The appellant has challenged the order dated



10.03.2021 passed by learned IIIrd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. case No.315/2020 registered for the offences under Sections 406, 420, 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, whereby the prayer made on behalf of the appellant for grant of anticipatory bail has been rejected.

The prosecution case, in short, is that appellant took Rs.48,90,000/- for selling a piece of land to the informant. Later on, the informant got to know that the land is in dispute. The informant went to receive the money at the house of the appellant, then the accused persons including the appellant assaulted the informant by means of fists and slaps and they also abused the informant by taking his caste name.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The matter relates to sale and purchase of land. Due to the said reason, the dispute took place between the parties. The matter relates to civil dispute. The alleged occurrence has not taken place within public view. Hence no



offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

Considering the aforesaid facts and circumstances, the order dated 10.03.2021 passed by the learned IIIrd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. case No.315/2020 is set aside.

Let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned IIIrd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Sabour P.S. case No.315/2020.

The criminal appeal stands allowed.

(Sudhir Singh, J)

Narendra/-

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