

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3197 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- CHAUTHAM District- Khagaria

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1. Bodhu Singh, aged about 65 years, male, Son of Late Rameshwar Singh
 2. Bijal Singh @ Vijay Singh, aged about 45 years, male, Son of Bodhu Singh
 3. Manoj Singh, aged about 42 years, male, Son of Bodhu Singh
 4. Mastan Singh @ Mahesh Singh, aged about 39 years, male, Son of Bodhu Singh
 5. Bikki Kumar @ Vikash Kumar, aged about 24 years, male, Son of Manoj Singh

All are resident of Village- Devaka, P.S.- Choutham, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Bela Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021

Heard Ms. Bela Singh, the learned Advocate

for the appellants and Mr. Binay Krishna, the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated 09.07.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Khagaria in connection with Chautham P.S. Case No. 83 of 2021, instituted for the offences under Sections 147, 148, 149,



323, 308, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is of the appellants having assaulted the members of the prosecution party after reaping the crops standing in the field of the informant.

The learned counsel for the appellants has submitted that the present case is the counter blast to the case lodged by appellant No. 1 *vide* Chautham P.S. Case No. 82 of 2021. In fact, the land in dispute had been purchased by the father of the appellant No. 1, namely, late Rameshwar Singh by a registered sale-deed.

The informant appears to be the aggressor. The land over which possession is claimed by him has actually been mutated in the name of the appellants.

Regard being had to the facts afore-stated, it has been urged that the offence under the S.C./S.T.



(Prevention of Atrocities) Act cannot be said to have been made out as against the appellants. The dispute actually is with respect to possession of a plot of land over which there are rival claims.

For the reasons afore-noted, the order dated 09.07.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST Act, Khagaria in connection with Chautham P.S. Case No. 83 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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