

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3223 of 2021**

Arising Out of PS. Case No.-75 Year-2019 Thana- SC/ST District- Begusarai

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1. KAMLESHWARI RAI, Son of Late Bishundev Rai Resident of Village- Baharampur, P.S.- Bachwara, District- Begusarai, State- Bihar.
 2. Bablu Rai, Son of Kamleshwari Rai Resident of Village- Baharampur, P.S.- Bachwara, District- Begusarai, State- Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-08-2021 Heard Mr. Radha Mohan Singh, learned Advocate for the appellants and Ms. Usha Kumari-I, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 10.02.2021, passed by the learned 1st Additional Sessions Judge cum Special Court, Begusarai, in A.B.P. No. 183 of 2021, arising out of SC/ST P. S. Case No. 75 of 20219, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 307, 383 and 34 of the Indian Penal Code and Sections 3(i)(r) and 3(2)



(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation against the appellants is of having manhandled the informant and also of having abused him and his family members and thereby subjecting them to social disgrace.

The learned counsel for the appellants has submitted that there is a property dispute between the parties and a 144 Cr.P.C. proceeding also is being contested between them.

However, it has been submitted that considering the falsity of the accusation in the present case, the appellants have been given the reprieve under Section 41 (A) of the Code of Criminal Procedure.

In this view of the matter, this appeal is disposed off with a direction that in case the appellants surrender before the court below and seek bail, the court below shall take into account the fact that the appellants are on police bail and have never misused the privilege



of such bail and that there is a genuine land dispute between the parties and thereafter, the order shall be passed, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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