

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1996 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- MAJHAULIA District- West Champaran

SAMSAD MIAN @ SAMSAR MIAN Son of Manif Mian R/O Village-
Gudara, P.S.- Majhauria, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellant for grant of anticipatory bail against the order dated 31.08.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran in connection with Majhauria P.S. Case No. 141 of 2020 under Sections 489, 447, 504, 506 and 34 of the Indian Penal Code and section 3(i)(r)/3(ii)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellant was rejected.

Prosecution case in brief is that all the accused persons including this appellant came at Darwaja of the



informant, abused him by calling his caste name and forcibly constructed house on the land of informant.

It is submitted on behalf of the appellant that though appellant is named in the FIR, but there is no specific allegation of assault or abuse against this appellant. There is land dispute between the parties. The counter version of this case is Majhaulia P.S. Case No. 388 of 2020 filed by the appellant side against the informant and others. Other appellants have already been granted bail by different benches of this court vide order dated 30.09.2020 passed in Cr. APP. (SJ) No. 1911 of 2020. No case under SC/ST Act is made out. Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 31.08.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST Act), Bettiah, West Champaran, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions



Judge-cum-Special Judge (SC/ST Act), Bettiah, West
Champan in connection with Majhulia P.S. Case No. 141 of
2020, subject to the conditions as laid down under Section
438(2) Cr.P.C.

(Prabhat Kumar Singh, J)

vinita/-

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