

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.309 of 2021

Arising Out of PS. Case No.-16 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. MOHAN RAI, Son of Late Diplal Rai Resident of Village - Kursaha, P.S. - Mohiuddinnagar, Dist. - Samastipur.
 2. Sanjay Rai, Son of Mohan Rai Resident of Village - Kursaha, P.S. - Mohiuddinnagar, Dist. - Samastipur.
 3. Sanjit Rai, Son of Mohan Rai Resident of Village - Kursaha, P.S. - Mohiuddinnagar, Dist. - Samastipur.
 4. Kalewar Rai, Son of Mohan Rai Resident of Village - Kursaha, P.S. - Mohiuddinnagar, Dist. - Samastipur.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Ram Bilash Nut Son of Late Allaiddin Nut Resident of Village - Kursaha, P.S. - Mohiuddinnagar, Dist. - Samastipur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 02-09-2021 Heard Mr. Kumar Praveen, learned Advocate for

the appellants; Mr. Deepak Chauhan, learned counsel for

the informant; and Ms. Usha Kumari-I, learned Special

Public Prosecutor for the State.

The appellants have challenged the order dated

06.02.2020, passed by the learned 1st Additional District

and Sessions Judge cum Special Judge, SC/ST Act,

Samastipur, in A.B.P. No. 239 of 2020, arising out of



Complaint Case No. 16 of 2019 (Tr. R. No. 1161 of 2019), whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 380, 427, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) 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 assaulted the complainant and others by means of *lathi, danda* etc. and also of divesting him of his personal belongings including cash.

The learned counsel for the appellants has submitted that the complainant has put up a bogus claim over a piece of land on the pretext of having acquired the same under the *Basgit Parcha*.

The learned counsel for the appellants has submitted that the appellant no. 1 had purchased a plot of land over which there is a rival claim of another person by the name of Ram Vivek Rai.



A Title Suit also is pending between the appellant no. 1 and aforesaid Ram Vivek Rai. The complainant has been set up by the adversary of the appellants for pressurizing him to abandon the claim over the portion of land which is claimed by aforesaid Ram Vivek Rai.

This Court had issued notice to complainant / Opposite Party No. 2 *vide* order dated 25.06.2021.

Pursuant to the aforesaid notice, Mr. Chauhan, learned counsel for the Opposite Party No. 2 has appeared. He submits that the informant has been thrown away from the house and is also being threatened of dire consequences in case he stakes his claim over the disputed plot of land.

Regard being had to the afore-stated facts and taking into account that there is a rival claim over a plot of land, which is the bone of contention between the parties and that the accusation under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989 is highly exaggerated, the provisional bail granted to the appellants is hereby confirmed.

The appeal stands allowed.

The appellants shall remain on the same bail-bonds.

It is also made clear that in case the appellants threatened or harass the complainant / Opposite Party No. 2, it would be open for him to approach this Court for cancellation of the order granting bail.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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