

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3506 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- SC/ST District- Sitamarhi

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1. Mukesh Rai, aged about 34 years, male, Son of Vijay Rai.
 2. Rajesh Rai @ Rajesh Kumar, aged about 32 years, male, Son of Vijay Rai.
 3. Ranjit Rai, aged about 28 years, male, Son of Mahendra Rai.
- All are resident of Village - Shahpur Shitalpatti, P.S. - Sahiyara, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hans Lal Kumar, Adv.

For the Respondent/s : Ms. Usha Kumari-1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-09-2021 Heard Mr. Hans Lal Kumar, the learned Advocate

for the appellants and Ms. Usha Kumari-1, the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

19.04.2021 passed by the learned 1st Addl. Sessions

Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in

connection with SC/ST Sitamarhi P.S. Case No. 51 of



2020, instituted for the offences under Sections 341, 323, 447, 379, 354, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) and 3(2)(v) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It has been submitted on behalf of the appellants that the accusation is absolutely false and the reason for falsely implicating them is the land dispute. It has further been submitted that the occurrence is said to have taken place on 28.11.2020, but the case has been lodged on 21.12.2020, *i.e.*, after a delay of fifteen days without there being any explanation much less satisfactory explanation for the same.

The learned counsel for the appellant has further submitted that the bone of contention between the parties is the land, bearing Khata No. 347, Khesra No. 2434, area approximately 18 decimals, over which there is rival claim of the parties. The aforesaid plot of land was purchased by co-accused persons/Mahendra Rai and Upendra Rai from Baidhnath Thakur and others *vide* a registered sale-deed in



the year 2013. Ever since the purchase of the aforesaid land, the purchasers are in possession of the same. This dispute, it has been urged, has galvanized into a dispute between the appellants and the informant and an absolutely false accusation has been levelled.

It has, therefore, been submitted that the very purpose of hurling accusation under the S.C./S.T. (Prevention of Atrocities) Act is to give a serious colour to the case. The accusation on face of it, it has been urged, appears to be over-exaggerated.

For the reasons afore-stated, the order dated 19.04.2021, 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 (POA) Act, Sitamarhi in connection with SC/ST Sitamarhi P.S.



Case No. 51 of 2020, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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