

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3498 of 2021

Arising Out of PS. Case No.-193 Year-2017 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Arun Kumar Sah, Son Of Muneshwar Sah R/O Village - Gaijori, Simartola, P.S. - Kusheshwar Asthan, District - Darbhanga.
 2. Binod Sah, Son Of Muneshwar Sah R/O Village - Gaijori, Simartola, P.S. - Kusheshwar Asthan, District - Darbhanga.
 3. Raushan Sah, S/O Arun Kumar Sah R/O Village - Gaijori, Simartola, P.S. - Kusheshwar Asthan, District - Darbhanga.
 4. Durga Devi, W/O Arun Kumar Sah R/O Village - Gaijori, Simartola, P.S. - Kusheshwar Asthan, District - Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Baidya Nath Thakur- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-09-2021 Heard Mr. Baidya Nath Thakur, the learned Advocate

for the appellants and Binay Krishna, the learned Special Public

Prosecutor for the State.

The appellants have challenged the order dated
28.06.2021 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge, SC/ST (P.O.A.) Act, Darbhanga
in connection with Kusheshwar Asthan P. S. Case No.193 of
2017, instituted for the offences under Sections 448, 341,
323, 354, 427, 504 and 506 of the Indian Penal Code and
Section 3(1)(r)(s) of the Scheduled Castes & Scheduled



Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation in the F.I.R. is that the informant, who is a landless lady, had constructed her hut over government land which was demolished. The informant was attempted to be evicted from her house. She has also been demeaned and abused by the appellants.

The learned Advocate for the appellants has submitted that in fact, the informant has dispute with one Pankaj Sada who has actually purchased a plot of land and has encroached upon the land of the informant. He has given wrong information to the informant that such encroachment is by the appellants. The appellants have themselves purchased land which is near the vicinity of the land of the informant and are coming in peaceful possession of the same. The informant has been wrongly provided the information about the appellants trying to usurp some part of the land over which she has constructed her house. There is a delay of about five days in lodging the F.I.R. The accusation involving the mischief of SC/ST (P.O.A.) Act is rather vague and is also over exaggerated.

For the aforesaid reasons, the order dated



28.06.2021 is set-aside.

The appeal stands allowed.

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 Additional Sessions Judge-cum-Special Judge, (P.O.A.Act), Darbhanga in connection with Kusheshwar Asthan P. S. Case No.193 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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