

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3497 of 2021**

Arising Out of PS. Case No.-130 Year-2021 Thana- CIVIL LINE District- Gaya

1. Vikash Prajapat @ Vikash Kumar Son of Rajendra Prajapat @ Rajendra Pandit Resident of Village - Nauranga, P.S.- Mufassil, Distt.- Gaya.
2. Rajendra Prajapat @ Rajendra Pandit Son of Late Shiv Narayan Prajapat Resident of Village - Nauranga, P.S.- Mufassil, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. J. N. Sinha - Advocate Mr. Ujjawal Kumar Singh- 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. J. N. Sinha, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants, who are father and son among themselves, have challenged the order dated 14.07.2021 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Civil Line P. S. Case No.130 of 2021, instituted for the offences under Sections 354, 354(D) of the Indian Penal Code and Section 3(i)(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 while the informant was coming back to her house from the hospital, the appellants misbehaved with her. Later, on the intervention of local people, they ran away.

The learned Advocate for the appellants has submitted that the accusation has been levelled by the informant only because of the land dispute between them. Sometimes prior to the occurrence, the mother of the appellant no.1, who is also wife of appellant no.2, had made a complaint before the Circle Officer about the informant having constructed a house over the government land. Pursuant to such complaint, an inquiry was made by the Circle Officer and later, a case was lodged by the government vide Muffasil P. S. Case No.51 of 2020 against the informant of the present case. The subject F.I.R. is only in retaliation to the aforesaid action taken by the mother of appellant no.1. A proceeding under Section 144 of the Cr.P.C. is also pending between the parties. Thus, it has been urged that the accusation in the F.I.R. is clearly over exaggeration and with the purpose of framing the appellants because of the land dispute.

For the reasons afore-stated, the order dated



14.07.2021 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 Exclusive Special Judge, SC/ST, Gaya in connection with Civil Line P. S. Case No.130 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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