

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3579 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- MASHRAK District- Saran

1. VINOD KUMAR RANJAN @ BINOD KUMAR RANJAN, Son of Late Punyadeo Ray @ Punyadeo Prasad Yadav R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.
2. Satyendra Ray @ Satyendra Prasad Yadav Son of Late Punyadeo Ray @ Punyadeo Prasad Yadav R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.
3. Vushan Ray @ Bhushan Ray @ Shashikant Kumar Son of Vinod Kumar Ranjan @ Binod Kumar Ranjan R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.
4. Subodh Kumar @ Subodh Kumar Ray Son of Vinod Kumar Ranjan @ Binod Kumar Ranjan R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.
5. Randhir Kumar @ Randhir Kumar Ray Son of Jitendra Ray R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.
6. Rahul Kumar @ Rahul Kumar Ray Son of Jitendra Ray R/o Village- Sonauli (Bhikham), P.S.- Mashrak, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-09-2021 Heard Mr. Jitendra Narayan, learned Advocate

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

Special Public Prosecutor for the State.

The appellants have challenged the order dated

22.07.2021, passed by the learned 1st Additional

Sessions Judge cum Special Judge, SC/ST (POA) Act,



Saran at Chapra, in A.B.P. No. 1567 of 2021, arising out of Mashrakh P. S. Case No. 19 of 2021, dated 09.01.2021, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences punishable under Sections 341, 323, 384, 354-B, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The accusation in the F.I.R. is that of the appellants having abused, misbehaved and assaulted the members of the prosecution party while construction work was going on over a plot of land which is claimed to be owned by the informant.

The learned counsel for the appellants has submitted that an absolutely false case has been lodged after three days of the alleged occurrence. No explanation has been offered for such delayed lodging of the F.I.R.



There is a land dispute between the parties. Some part of the land in question had been purchased by the wife of the appellant no. 1 from Mosmat Rajpati Devi and Butan Bhagat by registered sale-deed. Because of the dispute between the parties with respect to the land/demarcation of the land, a proceeding under Section 144 Cr.P.C. is also pending between them.

Thus, it has been urged that the accusation with respect to the violation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is only for the purposes of adding seriousness to the offence.

For the afore-stated reasons, the order dated 22.07.2021, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, is set aside.

The appeal stands allowed.

The appellants, above-named, are directed to be released on bail, in the event of their arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra, in connection with Mashrakh P. S. Case No. 19 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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