

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.293 of 2021**

Arising Out of PS. Case No.-107 Year-2005 Thana- PIRO District- Bhojpur

JAWAHIR SINGH @ JAWAHAR SINGH S/o Late Baiju Singh R/o Village-
Barao, P.S.- Piro, Distt- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 25-06-2021 Heard Mr. Manoj Kumar, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

This appeal is directed against the order dated
20.10.2020 passed by the learned 1st Additional District &
Sessions Judge, Bhojpur at Ara, in A.B.P. No. 1853/2020 in
SC/ST Case No. 53/2008 arising out of in Piro P.S. Case
No. 107/2005, whereby the prayer made on behalf of the
appellant for grant of anticipatory bail for the offences under
Sections 147, 148, 149, 323, 436 of the Indian Penal Code
and Section 3(x) of SC/ST Act has been rejected.

From the perusal of the F.I.R, it has been urged on



behalf of the appellant, it would appear that there is a dispute over a particular plot of land over which the informant has staked his claim. In the first part of the occurrence, it has been alleged that when the informant was attempting to erect a boundary wall, that was protested to by the appellant and others but the matter was settled. Later, when the informant was trying to dig the earth in his land, the appellant and others are said to have threatened him and also put pressure on him to leave the village.

It has been submitted on behalf of the appellant that the addition of charge under the SC/ST (Prevention of Atrocities), Act is only to add serious colour to the offence. There is no eye-witness to the occurrence and the case has been lodged only as a retaliation against the claim of some of the accused persons over a portion of the said plot of land which is also claimed by the informant.

Learned counsel for the appellant, therefore, submits that no offence under anyone of the sections of the SC/ST (POA) Act, can at all be said to have been made out against the appellant.



Regard being had to the afore-stated facts, this appeal is allowed.

The o order dated 20.10.2020 passed by the learned 1st Additional District & Sessions Judge, Bhojpur at Ara, is set aside.

The appellant, above named, is directed to be released on bail in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Bhojpur at Ara, in connection with SC/ST Case No. 53/2008 arising out of in Piro P.S. Case No. 107/2005.

(Ashutosh Kumar, J)

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