

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3864 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- SC/ST District- Rohtas

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1. Lalan Singh @ Lalan Singh Yadav, aged about 55 years, male, S/o Late Sheogati Yadav.
 2. Abu Khan @ Jubair Khan, aged about 48 years, male, S/o Jamil Khan.
Both are resident of Village- Ramudih, P.S.- Rajpur, District- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhaneshwar Prasad Gupta, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 26-10-2021 Heard the counsel for the parties.

The appellants have challenged the order dated 12.08.2021 passed by the learned 1st Addl. Sessions Judge-Cum-Special Judge, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 95 of 2020, instituted for the offences under Sections 341, 323, 504, 506, 354 and 34 of the Indian Penal Code and Section



3(2)(va)) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants is of having abused and assaulted the members of the prosecution party, especially the informant. The informant has suspected that perhaps appellant No. 1 might get her killed.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them. The informant has a land which is contiguous to the land of appellant No. 2. The informant had agreed to sell her land to appellant No. 2 but even after negotiations, she refused to sell the land. Perhaps an occurrence took place because of such dispute. The dispute, thus, is with respect to right of pre-emption and nothing more.

The accusation under the S.C./S.T. (Prevention of Atrocities) Act is highly unwarranted and it has been argued that such accusation has been hurled only for the



purpose of adding serious colour to the case.

The injuries suffered by the victim/informant, it has been submitted, is simple in nature.

Regard being had to the aforesaid submissions, the order dated 12.08.2021, 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, Rohtas at Sasaram in connection with SC/ST Dehri P.S. Case No. 95 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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