

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.350 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- SC/ST District- Saran

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1. NOOR ALAM MIYAN @ NOOR ALAM, Son of Late Gopal Miyan Resident of Khaira, P.S.- Khaira, District - Saran.
 2. Sanjeet Kumar Rai @ Sanjeet Rai, Son of Munna Rai Resident of Maya Tola, Khaira, P.S.- Khara, District - Saran.
 3. Lal Babu Manghi, Son of Rajmangal Manjhi Resident of Saidpur, P.S.- Khaira, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Prasad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-07-2021 Heard Mr. Uday Prasad, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 25.09.2020, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra, in A.B.P. No. 1635 of 2020, arising out of Saran SC/ST P. S. Case No. 28 of 2020, dated 24.03.2020, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences



punishable under Sections 323, 420, 467, 468, 471 and 120 (B) of the Indian Penal Code and Section 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellant no. 1 is stated to have executed a sale-deed over which appellant nos. 2 and 3 have put their signature as witnesses.

It has been alleged by the informant that when he went to the plot of land for constructing the boundary wall, he was stopped from doing so by the neighbours. It, therefore, was presumed by the informant that he was beguiled into buying a property from the appellant no. 1 which he was not entitled to sell.

The learned counsel for the petitioner has drawn the attention of this Court to the fact that the appellant no. 1 had purchased the land in question by two registered sale-deeds in the year 2011 and 2012 respectively from one Bhoot Nath Singh and had sold the same to the informant on 29.01.2018. The appellant



nos. 2 and 3 are the witnesses to the sale-deed.

The learned counsel for the appellants has further submitted that no case has been put up by the informant to have the sale-deed rescinded.

The allegations are absolutely general and omnibus and merely because some of the persons residing adjacent to the aforesaid land objected to the informant constructing the boundary wall, that by itself would not make the appellants liable for being prosecuted under said charges.

The accusation invoking the mischief of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 also appears to have been levelled for ulterior purposes.

For the afore-stated reasons, the order dated 25.09.2020, passed by the learned 1st Additional Sessions Judge cum Special Judge, SC/ST 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 Act, Saran at Chapra, in connection with Saran SC/ST P. S. Case No. 28 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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