

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4363 of 2019

Arising Out of PS. Case No.-333 Year-2017 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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BALRAM SINGH Son of Late Rajendra Singh Resident of Village- Kabirpur,
P.S.- Sheikhopursarai, District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Saro Devi Wife of Lalo Choudhry R/o Village-Kabirpur P.S.-Shekhopursarai
District-Sheikhpura

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shivnandan Prasad, Adv. Mr.Umesh Prasad, Adv.
For the Respondent/s	:	Mrs.Usha Kumari No.1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-02-2021 Heard Mr. Shivnandan Prasad, learned counsel for the

appellant and Mrs. Usha Kumari No.1, learned Special P.P. for

the State.

The appellant filed this appeal under Section 14(A) of
the S.C./S.T.(Prevention of Atrocities) Act (hereinafter referred
to as the S.C./S.T. Act) for grant of anticipatory bail in
Sheikhpura S.C./S.T. Case No.257 of 2017 arising out of
Complaint Case No.333(C) of 2017 registered under Sections
323, 341, 504 and 34 of the Indian Penal Code and under
Section 3(i) f.r.s. of S.C./S.T. Act.

The complainant-informant in her complaint petition
alleged that the Government gave purcha of 35 decimals of land



bearing Khata No.665 Khesra No.213 area 25 decimals and R.S.P. No.65 area 10 decimals in the year 1997-98 and the informant was in possession of the land but the appellant and Bale Paswan encroached upon the land of the informant and the appellant sold the land of the informant to Bale Paswan.

Learned counsel for the appellant submits that on the face of the allegations made in the complaint petition, it would appear that it is a case of land dispute and the informant lodged three complaint cases bearing Complaint Case No.331(C) of 2017 and 332(C) of 2017 besides the present one being Complaint Case No.333(C) of 2017 on the same day against the appellant. The informant, in order to grab and settle the land dispute through putting undue pressure by lodging present case under the S.C./S.T. Act, has filed the present complaint case.

Learned A.P.P. opposed the prayer for anticipatory bail and submits that prima facie case under different Sections of Indian Penal Code and under Sections 3(i)(x) of S.C./S.T. Act has already been found and the appellant does not deserve anticipatory bail as the same is barred under the Act.

Having considered the submissions of both sides and on perusal of the record, it appears that genesis of the case is bonafide land dispute. The complainant did not produce any chit



of paper to show that she owned the property and the same was encroached by the appellant. The complainant has not filed any sale deed showing that the appellant executed any sale deed with regard to the land of the complainant.

Taking into consideration the facts that the case has been lodged on account of bonafide land dispute, I find that appellant deserves anticipatory bail. Accordingly, the appeal is allowed, the impugned order is set aside and let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge, Sheikhpura in connection with Sheikhpura S.C./S.T. Case No.257 of 2017(Complaint Case No.333(C) of 2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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