

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5092 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- ARIYARI District- Sheikhpura

1. Raghuni Chauhan Son of Kedar Chouhan Resident of Village- Biman Tola Hardayalpur, P.S.- Ariyari, District- Sheikhpura.
2. Ravindra Chouhan @ Bunder Chouhan Son of Kedar Chouhan Resident of Village-Biman Tola Hardayalpur, P.S.-Ariyari, District-Sheikhpura.
3. Mukesh Chouhan Son of Ravindra Chouhan Resident of Village-Biman Tola Hardayalpur, P.S.-Ariyari, District-Sheikhpura.
4. Mithlesh Chouhan Son of Ravindra Chouhan Resident of Village-Biman Tola Hardayalpur, P.S.-Ariyari, District-Sheikhpura.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-12-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 24.09.2019, passed by learned 1st Additional District & Sessions Judge, Sheikhpura in connection with SC/ST Case No.56 of 2018, arising out of Ariyari P.S. Case No.51 of 2018, registered under Sections 147, 148, 149, 323, 342, 379, 385, 504 of the



Indian Penal Code and Sections 3(2) (Va) 3 (R) (S) of the SC/ST Act.

Seven named accused persons including the appellants are said to have harvested two bighas of khesari crops cultivated by the informant on the land of Kaushlendra Kumar Singh and his brothers.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against all the accused persons including the appellants. It is submitted that similarly situated co-accused persons have been enlarged on anticipatory bail vide order dated 05.09.2019, passed in Criminal Appeal (SJ) No.2348 of 2019. It is further submitted that there is land dispute between the parties.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Considering the fact that there is land dispute between the parties, no notice is required to be issued to the informant. The informant does not belong to SC/ST category.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from the date



of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st A.D.J., Sheikhpura in connection with SC/ST Case No.56 of 2018, arising out of Ariyari P.S. Case No.51 of 2018.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J.)

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