

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5393 of 2019

Arising Out of PS. Case No.-45 Year-2018 Thana- SC/ST District- Madhubani

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1. Sri Ram Jha Son of Baidnath Jha Resident of Village - Ghoghardiha, P.S.- Ghoghardiha, Distt.- Madhubani.
 2. Mohan Jha @ Mohan Kumar Jha Son of Sri Ram Jha Resident of Village - Ghoghardiha, P.S.- Ghoghardiha, Distt.- Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 08-02-2021 Heard learned counsel for the appellants, learned Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 29.07.2019 passed by the learned Additional Sessions Judge 1st, Madhubani whereby the prayer for anticipatory bail of the appellant in connection with S.C. & S.T. P.S. Case No.45 of 2018 (G.R. No.195 of 2018) registered under sections 341, 323, 354, 379, 504, 506 and 34 of the Indian Penal Code and section 3(1)(r)(s) and section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that there was a dispute when he proceeded to harvest



the crops that he had sown. It is stated that the appellants abused him in the name of his caste, assaulted him and also misbehaved with his wife.

It is submitted by learned counsel for the appellants that the allegation as levelled in the F.I.R. are false and concocted. For an alleged occurrence said to have taken place on 14.12.2018, matter was reported to the police and the F.I.R. registered 8 days later on 22.12.2018 without any reasonable explanation to the same. The appellants have no criminal antecedent and have been falsely implicated because of land dispute.

The appeal is opposed by learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the delay in lodging of the F.I.R., the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 29.07.2019 passed by the learned Additional Sessions Judge 1st , Madhubani, is set aside.

The appellants in the event of their arrest or surrender within six weeks, are directed to be enlarged on bail in connection with S.C. & S.T. P.S. Case No. 45 of 2018 (G.R. No.195 of 2018) on furnishing bail bond of Rs. 10,000/ (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge 1st, Madhubani.

(Partha Sarthy, J)

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