

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5509 of 2019

Arising Out of PS. Case No.-469 Year-2015 Thana- COMPLAINT CASE District- Supaul

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1. INDRA NARAYAN MEHTA Son of Ramfal Mehta
 2. Ramfal Mehta @ Buchai Mehta Son of Late Sitaram Mehta
 3. Sitaram Mukhiya Son of Late Aghori Mukhiya
 4. Mahesh Mukhiya Son of Sitaram Mukhiya
 5. Dinesh Mukhiya @ Dinay Mukhiya Son of Sitaram Mukhiya
 6. Prakash Mukhiya Son of Kusum Lal Mukhiya
 7. Hari Narayan Ram Son of Santi Ram
 8. Kailu Mukhiya @ Kailu Mehta Son of Baijnath Mehta
All Resident of Village - Pipra Khurd, P.S.- Bhaptiyahi, District - Supaul
- Appellant/s

Versus

1. The State of Bihar
 2. Most. Sumitra Devi Wife of Late Narendra Ram Resident of Village -
Piprakhurd, P.S.- Bhaptiyahi, District - Supaul
- Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 10-02-2021 Heard both sides.

The appellants filed this appeal under Section 14(A) (2) of the S.C./S.T.(Prevention of Atrocities)Act for grant of anticipatory bail in Complaint Case No.469 of 2015(Reg. No. Cr. Comp(P)/464/2015) registered under Sections 342, 504, 323, 417 and 34 of the Indian Penal Code and under Section 3(1)(r) of S.C./S.T. Act.

The complainant alleged in her complaint petition that on 04.05.2015, all the appellants came to her land and tried to demolish the house of the complainant standing on the land. The complainant further alleged that the land of Khesra Nos.2916, 2922, 3223, 3294 and 3308 of Khata No.357 area 1 acre 28



decimals was recorded in the names of Budhu Ram and Santi Ram, sons of Fagu Ram and Rabi Ram, son of Gyanchand Ram in equal share. Fagu Ram gifted the land of his share to Narendra Ram, the husband of the complainant. Santi Ram and Budhu Ram also transferred their lands in favour of Narendra Ram, the husband of the complainant but the appellant Nos.1 and 2 set up one Hari Narayan Ram and by committing fraud purchased the land alleging that Hari Narayan Ram is also one of the co-sharers of the land.

Learned counsel for the appellants submits that Hari Narayan Ram is the co-sharer of Santi Ram and Fagu Ram. From Hari Narayan Ram, the appellants purchased the land and there is a bonafide land dispute in order to grab the land. The complainant filed this case making false and frivolous allegation and to put undue pressure by lodging the criminal case under the Special Act.

Mr. Binay Krishna, learned Special P.P. for the State submits that once the cognizance is taken, appellants do not deserve anticipatory bail in view of the law laid down by the Apex Court in the case of Bacchu Das but I find on perusal of the record that the complainant herself alleged and claimed that the entire land measuring 1 acre 28 decimals is owned by her husband whereas the appellant Nos.1 and 2 claimed to have purchased the land from Hari Narayan Ram, a co-sharer of the recorded tenant and on the face of it, it appears that dispute is of purely civil nature which can be resolved by a competent Civil Court but the complainant instead of resorting to resolve the dispute from the Civil Court lodged the criminal case. Thus, I find that appellants deserve anticipatory bail.

Having considered the facts aforesaid and nature of



allegation made against the appellants, let the appellants, above named, in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st -cum- Special Judge, Supaul in connection with Complaint Case No.469 of 2015 (Reg. No. Cr. Comp(P)/464/2015), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This appeal is accordingly allowed.

(Prabhat Kumar Jha, J)

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