

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.151 of 2022**

Arising Out of PS. Case No.-130 Year-2020 Thana- PUPRI District- Sitamarhi

-
1. Ratnesh Rai, Son of Yogi Rai, Resident of Village - Jalalpur Bengahi, P.s.- Pupri, Distt.- Sitamarhi.
 2. Shyam Rai @ Mithilesh Kumar, Son of Yogi Rai, Resident of Village - Jalalpur Bengahi, P.s.- Pupri, Distt.- Sitamarhi.
 3. Sonawati Devi, W/o Yogi Rai, Resident of Village - Jalalpur Bengahi, P.s.- Pupri, Distt.- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sagar Devi, W/o Late Ghuran Paswan, R/o Village-Jalalpur Bengahi, P.S.- Pupri, District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dinesh Jha, Advocate
For the informant	:	Mr. Pushpendra Kr. Singh, Advocate
For the State	:	Mr.Sadanand Paswan, Spl.P.P

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 18-08-2022

Heard learned counsel for the appellants, learned Spl.PP for the State and learned counsel for the respondent no.2.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 20.12.2021 passed by the learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST (POA), Sitamarhi, in connection with Pupri P.S. Case No. 130 of 2020, registered for the alleged offences under Sections 341, 323, 324, 325, 307, 354, 504 and 34 of the Indian Penal Code and Sections 3 (i), (r), (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per the prosecution case, the appellants and the co-accused assaulted the informant and her family members causing a number of injuries to them. The occurrence took place in the background of some land dispute.

The learned counsel for the appellants submits that both the sides are next door neighbours and admittedly land dispute is behind the occurrence. In fact, the informant's side is aggressor and they disturbed the peaceful possession of land of the appellants as the appellants wanted to demarcate the land by calling the Amin and this was disturbed by the informant's side. For the same occurrence co-accused Yogi Rai has also filed a case vide Pupri P.S. Case No. 133 of 2020. The injury reports of the injured do not corroborate the allegation made in the FIR about sharp weapons being used in the assault and the injuries are shown to be by hard and blunt objects, though few are stated to be grievous but none of them is life threatening. The co-



accused Yogi Rai has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.03.2021 passed in Cr. App (SJ) No. 1269 of 2021. Charge-sheet has been submitted in this case and the appellants are in custody since 20.12.2021. The appellants are having clean antecedent.

Learned counsel for the informant vehemently opposes the submission made on behalf of the appellants, however, he concedes that the allegations in the FIR regarding causing of injuries are not corroborated by the injury report.

Having regard to the submissions made hereinabove and considering the background of land dispute and further considering the case and counter case between the parties and also considering the clean antecedent of the appellants as well as period of their custody, the appellants above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Pupri P.S. Case No. 130 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of



the appellants.

(ii) The appellants will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the appellants will be liable to be cancelled by the court concerned.

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

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	22.08.2022
Transmission Date	22.08.2022

