

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4286 of 2021

Arising Out of PS. Case No.-19 Year-2017 Thana- SC/ST District- Madhubani

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Ram Naresh Prasad @ Krishnanand Kumar Son Of Jagarnath Prasad R/O
Village- Jhalaun, P.S.- Ladania, District- Madhubani

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 836 of 2022

Arising Out of PS. Case No.-19 Year-2017 Thana- SC/ST District- Madhubani

- =====
1. Bholi Chaudhary @ Bholi Chaudhary Son Of Late Mohit Chaudhary
Resident Of Village - Jhalaun, P.S.- Ladania, Distt.- Madhubani.
 2. Shiv Jee Chaudhary Son Of Late Mohit Chaudhary Resident Of Village -
Jhalaun, P.S.- Ladania, Distt.- Madhubani.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

(In CRIMINAL APPEAL (SJ) No. 4286 of 2021)

For the Appellant/s : Mr. Subhash Kumar Jha

For the Respondent/s : Mr. Usha Kumari 1

(In CRIMINAL APPEAL (SJ) No. 836 of 2022)

For the Appellant/s : Mr. Ratanakar Jha

For the Respondent/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the appellant and the

learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

24.09.2021 passed by the learned Additional Sessions

Judge-1st, Madhubani in connection with SC/ST P. S. Case



No.19 of 2017, instituted for the offences under Sections 341, 323, 379 and 504/ 34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that appellant agreed for selling his land to him on 02.05.2014, thereafter, informant paid Rs.98,800/-. Thereafter, it was agreed that after receiving the entire consideration, the sale deed would be executed, but the informant came to know that appellant had soled the land to other person. Further, when the informant went to the house of appellant, he was abused by his caste name and assaulted and accused persons even snatched Rs.15,000/- from his pocket.

The learned counsel for the appellant submits that appellant has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it appears that on account of a civil dispute, the present F.I.R. came to be instituted. It is next submitted that whatever happened, happened at the house of



the appellant, as such, the occurrence did not take place in public view.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 24.09.2021 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Madhubani in connection with SC/ST P. S. Case No.19 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

CRIMINAL APPEAL (SJ) No. 836 of 2022

Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 07.02.2022 passed by the learned 1st Additional Sessions Judge, Madhubani in connection with SC/ST P. S. Case



No.19 of 2017, instituted for the offences under Sections 341, 323, 379, 420 and 504/ 34 of the Indian Penal Code and Section 3(1)(r), 3 (i)(g), 3(2)(Va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that appellants agreed for selling their land to him on 02.05.2014, thereafter, informant paid Rs.98,800/-. Thereafter, it was agreed that after receiving the entire consideration, the sale deed would be executed, but the informant came to know that appellants had soled the land to other person. Further, when the informant went to the house of appellants, he was abused by his caste name and assaulted and accused persons even snatched Rs.15,000/- from his pocket.

The learned counsel for the appellants submits that appellants have been falsely implicated in the present case for the reason that they purchased the property from Ram Naresh Prasad and thus, came to be implicated when from perusal of the allegation as alleged in the F.I.R., it



would manifest that no specific allegation has been alleged against the appellants and whatever occurrence took place, the said took place at the house of Ram Naresh Prasad and thus, not in public view.

The learned Special P. P. opposes the bail application.

Regard being had to the aforesaid submissions, the order dated 07.02.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Madhubani in connection with Madhubani SC/ST P. S. Case No.19 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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