

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4448 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Amarnath Prasad @ Amarnath Prasad Yadav, Son Of Sauki Rai Resident Of
Village- Jhapaha Deeh, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Appellant/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Ranjan
For the Respondent/s	:	Mr. Arvind Kumar Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 14-12-2022 Heard learned counsel for the appellant, learned counsel
for the informant and the learned Special Public Prosecutor for the
State.

The appellant has challenged the order dated 18.09.2021 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur in connection with Ahiyapur P. S. Case No.125 of 2021, instituted for the offences under Sections 341, 323, 354, 379, 504, 420, 406, 467, 468, 471/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, referring the bar of Section 18 of the Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellant submits that appellant has antecedent of one case and the informant alleges



that on 17.02.2021 while she was cutting grass, accused Sanjay Rai started misbehaving with her when she said that the bricks were kept on her land. Thereafter, Ramkaran Rai and appellant came and started abusing and on objection, Sanjay Rai dashed her on the ground and all accused assaulted her. Further, alleges that in 2012, some family dispute arose in her family and this appellant on pretext of solving the dispute took power of attorney and misusing the same sold the land of the informant without paying any consideration for which a Panchayati was held in which appellant assured to pay Rs.25 Lakhs.

The learned counsel for the appellant submits that appellant has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are general and omnibus in nature. It is also submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then the occurrence was not in public view and the reason for the occurrence is dispute relating to selling of land of the informant by the appellant as is being alleged. It is next submitted that even the land of the informant was not sold by this appellant and if what the appellant alleges in the F.I.R. is true, then she has remedies available in civil law.

The learned Special P. P. as well as learned counsel for the informant opposes the bail application, but are not in a



position to rebut the submission of the learned counsel for the appellant that the occurrence did not take place in public view and the allegations against the appellant are general and omnibus in nature and there is dispute relating to selling of land.

Regard being had to the aforesaid submissions, the order dated 18.09.2021 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 Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur in connection with Ahiyapur P. S. Case No.125 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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