

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5834 of 2019

Arising Out of PS. Case No.-250 Year-2019 Thana- DIDARGANJ District- Patna

1. Ram Kumar @ Kurwan Son of Late Deoki Rai Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.
2. Shiv Shankar Rai @ Shiv Shankar Singh Son of Late Deoki Rai Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.
3. Gauri Shankar Rai Son of Late Deoki Rai Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.
4. Manohar Rai @ Manohar Kumar S/o Late Ramashish Rai @ Late Ram Sewak Rai Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.
5. Chunnu Rai @ Prince Kumar S/o Ram Kumar Rai @ Ram Kumar Kurwan Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.
6. Vikash Kumar @ Vikash Rai Son of Ram Kumar Rai @ Ram Kumar Kurwan Resident of Village- Gauharpur, P.S.- Didarganj, Distt- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 28-01-2022 Heard learned counsel for the appellants and learned Special P.P. for the State through virtual court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 26.11.2019, passed by learned Additional Sessions Judge-XX-cum-Special Judge, S.C./S.T. Act, Patna in connection with Didarganj P.S. Case No.250 of 2019, registered under Sections 147, 148, 149, 448,



341, 323, 354, 379, 504, 506 of the Indian Penal Code and 3(i)(r) (w) of the SC/ST Act.

The appellants are said to have entered into the house of the informant and assaulted the female members. The appellants also abused the informant by naming his caste. The appellants looted ear ring made of gold, *Mangalsutra* and Rs.30,000/- from the house of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. By way of filing supplementary affidavit, learned counsel for the appellants submits that there is land dispute between the parties. It is submitted that Gulabia Devi, grandmother of the informant had sold an area of about 58 decimals of land to Deoki Singh on 16.05.2011 and now the informant has serious grievance against the appellants and on many occasion there has been serious altercation for that land. The informant feels that Deoki Singh got registered the land on minimum price, i.e., played fraud which is nothing but a tactic to extort money. It is submitted that from perusal of the FIR, it appears that the occurrence took place inside the house and not in public view.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants, but admitted this fact that there



is land dispute between the parties.

Taking into consideration the fact that there is land dispute between the parties, no notice is required to be issued to the informant of the case.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna in connection with Didarganj P.S. Case No.250 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Anjani Kumar Sharan, J.)

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