

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1296 of 2023**

Arising Out of PS. Case No.-16 Year-2021 Thana- SC/ST District- Gaya

Raj Kumar Prasad@Raj Kumar Mahto Son Of Late Jagdeo Mahto Resident
Of Village- Jamuhar, Ps- Barachatti, Dist- Gaya Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Triveni Ravids Son Of Deoraj Ravidas Resident Of Village- Jamuhar
Laladih, Ps- Mohanpur Dist- Gaya Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr. Gajendra Kumar, Advocate Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the Respondent No. 2 as well as
learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for regular bail by order dated 06.02.2023
passed by the learned Exclusive Special Judge, SC/ST Gaya in
connection with SC/ST Case No. 16 of 2021, F.I.R. dated
05.04.2021 registered under Sections 323, 341, 395, 379, 504/34
of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of
SC/ST Act.

According to the prosecution case, all the accused
persons have demolished the house which was built near the



road in order the capture the land and looted away all the articles kept inside the house. It is further alleged that all the accused persons have also assaulted the complainant through fist, leg due to which he sustained injuries.

Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. and in fact, the house of the respondent was demolished by the State Government for construction of road and a notice was sent to the appellant by the Circle Officer, Mohanpur vide letter No. 817 dated 03.07.2021 to cancel the parcha of respondent No. 2. He further submits that it appears from the F.I.R. itself that the respondent No. 2 was not present at the time of occurrence, so no case is made out under the SC/ST Act against the appellant. He further submits that it is the settled principle by the Apex Court that where the matter relates to the land dispute, no case is made out under the SC/ST Act which was reported in **(2020) 10 SCC 710 Hitesh Verma vs. State of Uttarakhand & others.** He further submits that the police, after investigation, submitted charge sheet against the appellant. The appellant is in custody since 23.01.2023.



Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant but fairly submits that it is the settled principle that where there is land dispute, no case is made out under the SC/ST Act.

Considering the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Judge SC/ST, Gaya in connection with SC/ST Case No. 16 of 2021, with other following conditions:-

1. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any



stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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