

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2016 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. GANAUR RAY @ GANNAUR RAY Son of Late Jugeshwar Ray R/V- Chakwa, PS- Sarai Ranjan, Dist- Samastipur
2. Rohit Kumar Son of Ganaur Ray @ Gannaure Ray R/V- Chakwa, PS- Sarai Ranjan, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Maheshwar Das Son of Janak Das R/V- Chakwa, PS- Sarai Ranjan, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brajesh Kumar Singh
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Dr. Bimal Kumar Jha
	:	Mr. Dharendra Kumar Jha
	:	Mr. Krishna Chandra Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 04.03.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Sarairanjan P.S. Case No. 323 of 2022, registered under Sections 147, 149,



341, 323, 379, 427, 504 and 506 of the Indian Penal Code and Section 3 (1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties. The civil suit bearing T.S. No.38/2022 is pending between the appellants and Mahanth Baliram Das related to the Khata No.20 and 41, Plot No.111, 105 and 107 measuring an area 20 katha land which is the same land as mentioned in the F.I.R. There is civil dispute between the parties and informant under influence of Mahant Baliram Das has filed this case against the appellants. Relying upon the judgment of Hon'ble Apex Court passed in the case of "***Hitesh Verma Vs. State of Uttarakhand and another reported in (2020) 10 SCC 710.***" Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

4. Learned Spl. PP for the State along with learned counsel for the respondent no.2 opposes the prayer for bail and submits that the appellants have taken the land from the Baliram Das for more than five years.

5. In the facts and circumstances of the case and the fact that there is general and omnibus allegations levelled



against the appellants, let the above named appellants, 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 Special Judge, SC/ST (POA) Act, Samastipur in connection with Sarairanjan P.S. Case No. 323 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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