

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2329 of 2022

Arising Out of PS. Case No.-249 Year-2020 Thana- COMPLAINT CASE District- Araria

1. DINESH PRASAD RAY @ DINESH KUMAR RAY Son of Late Raghunandan Ray R/o village - Perwakhori, Ward No.- 11, P.S.- Tarabari, District - Araria.
2. Suresh Prasad Roy Son of Late Krishna Mohan Ray R/o village - Perwakhori, Ward No.- 11, P.S.- Tarabari, District - Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Babaji Rishidev Son of Late Moti Das R/o village - Dharmganj, Ward No.- 8, P.S.- Palasi, District - Araria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Baidya Nath Thakur
For the Respondent/s	:	Mr.Binay Krishna
		Mr.Madhav Jha

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 18-05-2023 Learned counsel for the appellants seeks permission to withdraw the appeal with regard to appellant no.2 Suresh Prasad Roy.

Permission is accorded.

Accordingly, this appeal with regard to appellant no.2 is dismissed as withdrawn.

Heard learned counsel for the appellant no.1 Dinesh Prasad Ray @ Dinesh Kumar Ray, learned counsel for the informant and learned Special Public Prosecutor for the State.

This appeal has been preferred against the order dated



20.05.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in A.B.P. No.874 of 2022 arising out of Complaint (SC/ST) Case No.249 of 2020 registered under Sections 323, 420 and 467 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the appellant has been rejected.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to land dispute. From perusal of Annexure 2, 3 and 4, it appears that earlier a title suit was decreed ex-parte in favour of the appellant. Thereafter a partition suit was filed in which the appellant was also made party. The complainant and others fraudulently obtained jamabandies with respect to the land in question for which the matter was referred to the D.C.L.R, Araria and after an inquiry the said jamabandies of the complainant were found suspicious, thereafter the Circle Officer, Palasi recommended for its cancellation.

Considering the facts and circumstances of the case as well as the submissions advanced on behalf of the parties, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of four weeks



from the date of receipt of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge, Araria in A.B.P. No.874 of 2022 arising out of Complaint (SC/ST) Case No.249 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Arvind Srivastava, J)

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