

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3876 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

NUNU JHA Son of Late Triyogi Jha Resident of Village- Gonoun, P.S.-
Ghanshyampur, District- Darbhanga ... Appellant

Versus

The State of Bihar

... Respondent

Appearance :

For the Appellant/s : Mr.Abhay Kumar Thakur, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 15-03-2023 Heard learned counsel for the appellant, the State and
respondent no.2.

The present appeal is directed against order dated 11.8.2021 passed by learned Additional Sessions Judge I cum Special Judge, SC/ST Act, Darbhanga in a case registered for the offence punishable under Sections 341,323,307,504,506 and other sections of the Indian Penal Code and Section 3 (i) (r) (s) of the SC/ST Act as, whereby anticipatory bail of the appellant has been rejected.

Learned counsel for the appellant has submitted that the entire dispute is relatable to the fishing rights of the appellant as also of the rival claimants. The appellant is the owner of the property bearing RS Khata No. 1024, Khesra No. 944, Area 16 decimals which has been recorded in the name of his father. The land in question is the Kayami land and is in the possession of the appellant. He further submits that nowhere in the FIR there is allegation that the appellant abused the informant by his caste name. There is general and omnibus allegation and no specific overt act has been alleged against the appellant. Informant side is aggressor in the case. It is further submitted that the provisions of the SC/ST Act is not attracted against the appellant because there is no intention of the appellant to insult the informant who is a member of the SC/ST category.



Learned counsel for the state as well as respondent no.2 oppose the prayer for bail. It is submitted that the pond in question has been settled in favour of respondent no.2 and appellant side was obstructing his fishing right.

Having regard to the submissions made by the parties and the nature of dispute, this appeal is allowed and the impugned order dated 11.8.2021 is set aside.

Accordingly, in the event of arrest or surrender by the appellant, above named, before the court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge, SC/ST Act, Saran at Chapra in Ghanshyampur Police Station Case No. 162 of 2021.

(Prabhat Kumar Singh, J)

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