

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.639 of 2023

Arising Out of PS. Case No.-513 Year-2022 Thana- OBRA District- Aurangabad

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1. Prabhawati Devi, W/O Suresh Prajapati R/O Village And P.O. And P.S.- Obra, District- Aurangabad
 2. Aditya Kumar, S/O Suresh Prajapati R/O Village And P.O. And P.S.- Obra, District- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manju Devi W/O Satendra Ram R/O Village And P.O. And P.S.- Obra, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Binay Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna
		Mr.Lal Bahadur Singh
		Mr.Dhaneshwar Prasad Gupta
		Ms.Dimpal Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-05-2024 1. Heard the learned counsel for the appellants,

learned counsel for the informant and the learned Special

Public Prosecutor for the State.

2. The appellants have challenged the order dated

03.01.2023 passed by the learned 1st Additional District &

Sessions Judge-cum- Special Judge, SC/ST, Aurangabad in

connection with SC/ST P. S. Case No.513 of 2022, instituted

for the offences under Sections 341, 323, 504, 506, 448,

427, 379, 325 and 34 of the Indian Penal Code and Section



3(i)(r)(s)/(2)(VA) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and appellant no.1 is a woman aged about 60 years. It is next submitted that appellants have purchased a piece of land from Raja Ram and Anil Ram and the informant's side has encroached the said piece of land and does not intend to vacate, as such, implicated the appellants in the instant false case with an allegation that the appellants entered the house of the informant and assaulted by lathi, danda on account of which, the teeth of Manju Devi broke and Suresh Prajapati snatched the golden chain. It is also alleged that the accused persons threatened that if they can purchase land worth Rs.10 Lacs, then why they cannot get the family of the informant killed by spending Rs.2 Lacs.

4. The learned counsel for the appellants submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is relating to land



and though there is allegation of assault, but then, the same is general and omnibus in nature and the F.I.R. does not even disclose that the occurrence was witnessed by any independent witnesses, when there were so many houses in and around the house of the informant, which amply demonstrates that the appellants have been implicated only with a view to coerce them into submission, so that they do not intend to take possession of their purchased land, which stands encroached by the informant and her side.

5. The learned Special P. P. along with learned counsel appearing on behalf of the respondent no.2 opposes the appeal, but then are not in a position to rebut the submission of the learned counsel for the appellants that no independent witnesses have witnessed the occurrence and the allegation of assault is also not specific.

6. Regard being had to the aforesaid submissions, the order dated 03.01.2023 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below



within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum- Special Judge, SC/ST, Aurangabad in connection with SC/ST P. S. Case No.513 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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