

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.753 of 2024

Arising Out of PS. Case No.-30 Year-2022 Thana- SC/ST District- Banka

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- 1 . RAJNI KANT S/O BINOD SAH @ BINOD MANDAL R/O VILLAGE-MAHESHPUR, P.S AND DISTT.- BANKA.
 2. APPU KUMAR @ APPU S/O BINOD SAH @ BINOD MANDAL R/O VILLAGE- MAHESHPUR, P.S AND DISTT.- BANKA.
 - 3 . BINOD SAH @ BINOD MANDAL S/O SUDEEN MANDAL R/O VILLAGE- MAHESHPUR, P.S AND DISTT.- BANKA.

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. RUPAM BHARTI W/O BABULAL HARIJAN R/O VILLAGE-AARCHARA, P.S- RAJOUN, DISTT.- BANKA. AT PRESENT RESIDING AT VILLAGE- JAGATPUR, WARD NO. 26, MUHALLA- AASHRAM NAGAR, P.S AND DISTT.- BANKA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pranav Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
For respondent No. 2	:	Mr. Anil Chandra, Advocate
		Mr. Amit Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 09.01.2024 passed in a case registered for the offence punishable under sections 341, 323, 354, 379, 504, 506, 385 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(s)(w)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants has been rejected.



3 . Prosecution case, in brief, is that the land pertaining to Khata No.219, Khesra No.882, Area 4.215 decimal land situated at Mauza-Jagatpur, Ward No.6, near Ward No.26, Mohalla-Ashram Nagar, Banka, registered in the name of Respondent No.2, upon which there is a house, bathroom, shed of tin, and one mango tree that was purchased by the sale deed No.16636 for which mutation has been made, and rent of the land is being paid to the state government. It is further alleged that these appellants were assured to vacate the land within 15 days, but they did not vacate the land. On 09.10.2022, when informant/respondent No. 2 asked the appellants to vacate the land, upon which the appellants started abusing informant by caste name and pulled her saree. It is further alleged that appellants snatched gold chain from her neck and appellants also demanded Rs. 50,000/- in lieu of vacating the land in question and threatened informant with dire consequences.

4. It is submitted that appellant No. 1 and 2 are sons of appellant No. 3 who had purchased the land in question through registered sale deed on 29.09.002. It is further stated that when thee appellants came to know about the illegal sale deed dated 05.08.2022 sold by the mother of appellant Nos. 1 and 2, they filed title suit bearing title suit No. 283 of 2022 on



28.09.2022 in the competent Court of civil jurisdiction for cancellation of sale deed. In order to take possession over the land in question quarrel took place between the parties. Due to admitted land dispute between the parties, informant only to put pressure lodged this false and concocted case against these appellants. Rest of the allegations are ornamental in nature . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5 . Counsel for the respondents No. 2 as well as learned Special public prosecutor vehemently opposed the prayer for bail of these appellants.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- I – cum- Special Judge, SC/St Act Banka in connection with Banka Police Station Case No. 30 of 2022 .



(Prabhat Kumar Singh, J)

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