

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.992 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. RESHAMLAL RAM SON OF LATE MUKTI PASWAN R/O BHAWANI NAGAR PASWAN TOLA, WARD NO.13, P.S.- SAHARSA, DISTT.- SAHARSA
2. SUNIL KUMAR SON OF PRAMOD RAM R/O INDARPUR HARIPUR, P.S.- SUPAUL, DISTT.- SUPAUL

... .. Appellant/s

Versus

1. The State of Bihar
2. SIYARAM PASWAN SON OF LATE MUKTI PASWAN R/O WARD NO. 14, SHIVPURI BYPASS, SIYARAM CHOWK, P.S.- SAHARSA, DISTT.- SAHARSA, BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arbind Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 18-11-2024 1. Heard learned Counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 05.08.2022, passed by learned Additional Session Judge III -cum- Special Judge SC/ST, Saharsa, in ABP No. 452 of 2022, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Saharsa Sadar Police Station



Case No. 15 of 2022 for the offences punishable under Sections 341/323/384/420/464/467/471/120B/468/34 of the Indian Penal Code and Section 3 (1)(r)(s), 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that the informant purchased a piece of land vide sale deed no. 11824, dated 27.09.2021, from one Navin Thakur. It has further been alleged that the appellants and others sold the land purchased by the informant to one Bechan Paswan by sale deed no. 4675, dated 21.03.202. On 28.11.2021, when the informant was at his land, the appellants, along with other accused persons, came there and started abusing and assaulting him.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to land dispute. He next submits that the land, in question, was sold on 21.03.2021 prior to the purchase made by the informant on 27.09.2021. He further submits that the land sold by the appellants was purchased in the year 1975 by way of registered sale deed no. 76655 of 1975.



5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is dispute regarding the land, I am inclined to grant the appellant privilege of anticipatory bail.
6. This appeal is, accordingly, allowed and the order, dated 05.08.2022, passed by learned Additional District and Sessions Judge III -cum- Special Judge, SC/ST, Saharsa, in ABP No. 452 of 2022, is set aside.
7. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 learned Additional District and Sessions Judge III -cum- Special Judge, SC/ST, Saharsa, in connection with Saharsa Sadar Police Station Case No. 15 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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