IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.990 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- PATAHI District- East Champaran

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1. Hari Kishor Patel @ Hari Kishor S/o Krishna Patel R/o Village- Indra Nagar Bhawanipur Zirat, P.S.- Chhatauni, District- East Champaran
2. Rekha Devi W/o Krishan Patel R/o Village- Indra Nagar Bhawanipur Zirat, P.S.- Chhatauni, District- East Champaran
3. Gonaur Sah S/o Late Saryug Sah R/o Village- Patahi Yaddu, P.S.- Patahi, Dist.- East Champaran
4. Praveen Kumar S/o Gonaur Sah R/o Village- Patahi Yaddu, P.S.- Patahi, Dist.- East Champaran
5. Navin Kumar S/o Gonaur Sah R/o Village- Patahi Yaddu, P.S.- Patahi, Dist.- East Champaran
6. Dipu Kumar S/o Gonaur Sah R/o Village- Patahi Yaddu, P.S.- Patahi, Dist.- East Champaran

... ... Appellant/s

Versus

1. The State of Bihar Bihar
2. Mira Devi W/o Satendra Ram R/o Village- Champapur, P.S.- Patahi, Dist.- East Champaran

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Rakesh Kumar, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl PP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

4 04-12-2024 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

2. This is an appeal under section 3(1)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 11.01.2024, passed by learned Special Judge SC/ST Act, East

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Champaran, Motihari in connection with Patahi P.S. Case No. 296 of 2023, registered under Sections 406, 420, 467, 468, 354(b), 384, 387, 323, 341, 120(B) of the Indian Penal Code and Sections 3(1)(r)(w) of SC/ST (POA) Act.

3. As per the F.I.R., the allegation against the appellants is that the appellants took Rs. 6,90,000/- as consideration money from the informant, but did not execute the sale deed in favor of the informant. Further, it is alleged that all the accused persons abused the informant and her husband by taking caste name.

4. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that there is admitted land dispute between the parties and the said land belongs to the appellants and the appellant no.3 filed a case bearing Case No. 03 of 2022 before the L.R.D.C., Pakridayal and the L.R.D.C. passed an order in favor of appellant no. 3 and directed to the husband of the informant for removal of his illegal possession. After issuance of the order by the L.R.D.C. the present F.I.R. was lodged by the informant against the appellants. He further submits that as per the FIR informant gave Rs. 6,90,000/- to the appellants no.1 and 2, but not any paper/bank statement produced by the informant. He further submits that appellants

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have no criminal antecedent as stated in para-3 of this appeal.

5. However, learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. Considering the facts and circumstances of the case, arguments of the learned counsels for the parties and on perusal of record it is clear that there is admitted land dispute between the parties, let the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with Patahi P.S. Case No. 296 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. subject

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

(Anjani Kumar Sharan, J)

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