

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2896 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- SC/ST District- Banka

SANJEEV KUMAR MISHRA SON OF LATE SACHIDANAND MISHRA
RESIDENT OF VILLAGE- SINGHNAN, PS-RAJOUN, DISTRICT-
BANKA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RINA DEVI WIFE OF ADHIK RAM RESIDENT OF VILLAGE - AM-
DAHA, PS- RAJOUN, DISTT- BANKA
3. Subodh Kumar S/o Saryug Das R/o vill - Dhobidih, P.S - Rajoun, Distt. -
Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Jha
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2024 1. Heard the parties.

2. The appellant apprehends his arrest in connection with S.C./S.T. P.S. Case No. 13 of 2023 registered for the offence under Section 341, 323, 325, 379, 504, 506 / 34 of the IPC and Section 3 (i)(r)(s) / 3(2) (va) of the S.C./S.T. Act and being aggrieved by the order dated 06.06.2023 passed in A.B.P. No. 777 of 2023 by the learned Addl. Sessions Judge-I- cum-Spl. Judge S.C. / S.T. Act, Banka has preferred this appeal for grant of anticipatory bail.

3. As per the prosecution case the appellant along with four unknown persons assaulted one Bhrigu Mani Das for withdrawal of S.C./S.T. P.S. Case No. 01/2023 and abused and as-



saulted him and when the informant intervened, he was assaulted by the appellant by means of iron rod and abused by his caste name.

4. Learned counsel for the appellant submits that appellant has falsely been implicated due to land dispute by his agnate inasmuch as the appellant is fighting a Title Suit with his co-sharer / Ajeet Kumar Mishra having Title Suit No. 148 of 2023 and the disputed land has been sold by Ajeet Kumar Mishra in favour of one Chandra Shekhar Kumar Singh. Bhriugu Mani Das is the “bataidar” of Chandra Shekhar Kumar Singh. At the behest of his agnate false cases are being lodged against the appellant and earlier also two cases were lodged against the appellant but the Police after investigation submitted final form and in the third case lodged at the behest of his co-sharer by Bhriugu Mani Das bearing S.C. / S.T. P.S. Case No. 01 / 2023 the appellant was granted regular bail on 17.02.2023 and immediately thereafter the present F.I.R. has been lodged on 22.04.2023 due to land dispute.

5. On the other hand, learned counsel for the respondent no. 2 opposed the prayer for bail and submits that the appellant assaulted the informant on the vital part of the body i.e. on his head by iron rod and also abused him by his caste name in full



public view.

6. In reply, learned counsel for the appellant submits that up till now the injury report has not been brought on record by the prosecution and / or by the respondent no. 2 and the case diary also does not contain the injury report of the victim / informant.

7. Regard being had to the submission made by the parties, taking into consideration the fact that there appears to be land dispute between the parties and Bhriugu Mani Das is said to be the “bataidar” of one Chandra Shekhar Kumar Singh, who purchased the land from his co-sharer / Ajeet Kumar Mishra, I am inclined to grant anticipatory bail to the appellant.

8. Accordingly, the order dated 06.06.2023 passed in A.B.P. No. 777 of 2023 arising out of S.C./S.T. P.S. Case No. 13 of 2023 passed by learned Addl. Sessions Judge-I-cum- Spl. Judge S.C./S.T. Act, Banka is hereby set aside.

9. Let the appellant, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I-cum- Special Judge, SC / ST Act, Banka in connection with S.C. / S.T. P.S. Case No. 13 of 2023 subject to



the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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