

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3212 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- TRIVENIGANJ District- Supaul

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1. SHAMBHU MANDAL S/O LAKSHMAN MANDAL R/O VILLAGE-LAKSHMIPUR, WARD NO.-06, P.S- TRIVENIGANJ, DISTT.- SUPAUL.
 2. SANJEEV KUMAR @ SANJIV KUMAR S/O SHAMBHU MANDAL R/O VILLAGE- LAKSHMIPUR, WARD NO.-06, P.S- TRIVENIGANJ, DISTT.- SUPAUL.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DASHRATH RAM, S/O LATE SUNAR RAM R/O VILLAGE-LAKSHMIPUR, WARD NO.-06, P.S- TRIVENIGANJ, DISTT.- SUPAUL.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kuldeep Kumar, Adv.
For the Respondent/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-09-2024 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of the respondent No.2.

2. The appellant has challenged the order dated 16.05.2024 passed by the learned Addl. Sessions Judge-Ist-cum-Special Judge, SC/ST, Supaul, in connection with Triveniganj P.S. Case No. 57 of 2024, instituted for the offences under Sections 147, 149, 436, 341, 323, 325, 504 of the Indian Penal Code and Sections 3(i)(r), 391(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been



rejected.

3. The learned counsel appearing on behalf of the appellants submit that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. The learned counsel next submits that the land in dispute was purchased by Laxman Mandal, father of the appellant No.1, in the year 2019, from Sri Ram Mandal, as would be evident from the Annexure-3 to the Appeal. It is further submitted that after the land was purchased, the same was mutated and Jamabandi No.699 was created in the name of Laxman Mandal. The informant is claiming the said land as his on the ground that in the Khatiyani, the name of his great grand father, Jagrup Mochi is recorded. It is further submitted that when the father of the appellant No.1 purchased the land, thereafter a dispute was created by the informant after the land was mutated in name of Laxman Mandal. It is also submitted that Laxman Mandal instituted a Case No.50 of 2024 in the Court of S.D.O., for initiating a proceeding under Section 144 Cr.P.C. so that the informant does not go on the land in question. It is next submitted that during the course of investigation, it also transpired that the land, in question, is in possession of Laxman Mandal and is lying vacant but then the informant with



a view to take forcible possession of the land came on the land and started constructing a hut and the appellants on coming to know along other went to the place of occurrence where an altercation took place and both sides assaulted each other and the hut which was being constructed got burnt and the instant F.I.R. came to be instituted. It is also submitted that on account of dispute relating to land, the present occurrence is alleged to have taken place, it is next submitted that in the investigation, it has come that the land, in question, was vacant but since a hut was being constructed by the informant, hence the occurrence took place. It is also submitted that it may be a possibility that side of the informant got the hut burnt for instituting the instant case. It is next submitted that when sale deed and mutation is in favour of the father of the appellant No.1 and during the course of investigation also, it has come that the family of the appellants are in possession of the land, as such the informant would be presumed to be aggressor.

4. The learned A.P.P. and learned counsel appearing on behalf of the informant opposes the Appeal but then are not in a position to rebut the submission made by learned counsel appearing on behalf of the appellants that father of the appellant No.1 purchased the land, in question, by a registered sale deed



from Sriram Mandal in the year 2019 and during the course of investigation, it has come that the land is in possession of the family of the appellants and was lying vacant.

5. Regard being had to the aforesaid submissions, the order dated 16.05.2024 is set- aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six 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 Addl. Sessions Judge-Ist-cum-Special Judge, SC/ST, Supaul, in connection with Triveniganj P.S. Case No. 57 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

sanjeev/-

(Satyavrat Verma, J)

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