

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3416 of 2024

Arising Out of PS. Case No.-23 Year-2019 Thana- SC/ST District- Gopalganj

Bhagelu Mahato @ Chagelu Mahato Son Of Late Jagdish Mahato R/V-
Aolipur, P.S.- Yadopur, Distt.- Gopalganj

... .. Appellant/S

Versus

1. The State Of Bihar
2. Kabilash Sah Son Of Balister Sah R/V- Khawajepur, Bhuwali Tola, P.S.-
Yadopur, Distt.- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Pratap Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-09-2024 Heard learned counsel for the appellants as well as
learned Spl.P.P. for the State.

2. This appeal has been preferred on behalf of the appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 29.06.2024 passed by the learned Additional Sessions Judge-X1-cum-Exclusive Special Judge, SC/ST, Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 23 of 2019, registered for the offences punishable under Sections 504, 506, 419, 420, 467, 468, 471/34 of the Indian Penal Code & Section 3(1)(f)(g) and 3(2)(va) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the



appellant has been rejected.

3. It is alleged that the appellant has purchased the same land to which the informant had already purchased. There is also allegation that the appellant abused the informant in filthy words by calling his caste name.

4. Learned counsel for the appellants submits that he is vendee of the land from the recorded raiyyat and the informant claims the same land on the basis of sale deed dated 25.11.2011. The recitals of the FIR shows that there is land dispute between the parties as such, the occurrence cannot be said to have taken place due to malicious feelings of caste and as such, the provisions of SC/ST is not attracted.

5. On the other hand, the learned counsel for the informant opposed the prayer for bail by submitting that the accused persons purchased the same land to which he has already purchased knowing that the land was already sold in favour of informant side and thereby they committed cheating.

6. It appears that both the parties are claiming the land in dispute on the basis of their respective sale deeds. It is nothing but a land dispute and the provisions of SC/ST Act is not attracted.

7. Considering the above-mentioned facts and



circumstances, the appellant, shall 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 Sessions Judge-X1-cum-Exclusive Special Judge, SC/ST, Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 23 of 2019.

(Nawneet Kumar Pandey, J)

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