

Arising Out of PS. Case No.-95 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

Versus

- ... Respondent/s

For the Appellant/s	:	Mr. Pankaj Kumar Jha, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, sPl. PP
For OP 2	:	Ram Kishore Singh, Advocate
		Amit Kumar Singh, Advocate
		Sumit Kumar Singh, Advocate

5 02-05-2024 Heard learned counsel for the parties.

3. As per the prosecution case , the informant purchased a piece of land situated under Mauza-Bargaon, Thana No. 230, PS-Kusheshwar Asthan Dist-Darbhanga having its Khata No. 563/old, and Khesra No. 1525 and 1526 ol, 2508 and



2509 New having its area 1 Katha 2.5 dhur, via a sale deed dated June 18, 2022, but the petitioner did not hand over the possession of the purchased land to the informant, and when the informant requested the petitioner to hand over possession over the sold land, same was denied and he demanded a sum of Rs 2 lakh as ransom for giving possession of his land . It is further alleged that the petitioner also abused the informant by his caste name .

4. It is submitted that on behalf of the appellant that from bare perusal of the F.I.R., it is apparent that it is purely a dispute of civil nature and taking advantage of the situation informant has lodged this false and concocted case against the petitioner. The incident took place due to property dispute . It is not the case of the prosecution that he alleged incident took place within the public view, as such, no case under SC/ST Act is made out. Rest of the allegations are ornamental in nature . Appellant claims clean antecedent.

5. Counsel for the Spl. PP for the State and OP No. 2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant, named above, in the event of arrest/surrender within a period of



eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned 3rd Additional Sessions Judge cum- Exclusive Special Judge , SC/St (POA) Act , Darbhanga , in connection with Kusheshwar Asthan Police Station Case No. 95 of 2023 .

(Prabhat Kumar Singh, J)

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