

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4657 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Shailesh Singh Son Of Wakil Singh Resident Of Village - Barma, P.S. - Sheikhpura, District - Sheikhpura
 2. Sadan Singh Son Of Late Shivbalak Singh Resident Of Village - Barma, P.S. - Sheikhpura, District - Sheikhpura
 3. Wakil Singh Son Of Late Kameshwar Singh Resident Of Village - Barma, P.S. - Sheikhpura, District - Sheikhpura

... .. Appellant/s

Versus

1. The State Of Bihar
2. Naresh Paswan Son Of Laxman Paswan Resident Of Village - Ganhesa, P.S. - Sheikhpura, District - Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1,Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 13-06-2024

Heard learned counsel for the appellants and learned
Spl.PP for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 21.09.2023 passed by the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Complaint Case No. 38 of 2023, registered for the alleged offences under Sections 323, 341, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r) (s)and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. As per the prosecution case, appellants forcibly ploughed the land of the complainant damaging a number of plants. When their act was opposed by the complainant, he was assaulted and threatened on gun point. The appellants also abused and assaulted the family members of the complainant.

4. The learned senior counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The appellants are *bona fide* owners of the land in question and due to land dispute some altercation took place and this false case has been lodged. Falsity of the complaint is apparent from the fact that one of the appellants is eighty years old and he is not even able to walk. Complainant also gave an application to the Superintendent of Police, Sheikhpura to get the matter enquired and in the said enquiry report it was found that there has been land dispute between the parties and no occurrence of abuse and assault took place. Learned counsel further submits that appellant Shailesh Kumar also filed a complaint case against respondent no. 2 and others which is still pending. The appellants are having clean antecedent.

5. Learned Spl.PP opposes the prayer for bail submitting that there is specific allegation against the appellants that they are forcibly ploughing the land of the informant and abusing and assaulting the informant and his family members taking their caste

name.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and possibility of false accusation, the appellants above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Complaint Case No. 38 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.

7. Accordingly, the impugned order dated 21.09.2023 is set aside and the appeal stands allowed.

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	-
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