

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5404 of 2023**

Arising Out of PS. Case No.-310 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. MANOJ SAH @ MANOJ KUMAR S/O LATE RAM NATH SAH
VILLAGE- RAMPUR KANHAR, PS. G.B. NAGAR, DIST. SIWAN.
 2. MOHAN SAH @ MOHAN KUMAR SAH S/O LATE RAM NATH SAH
VILLAGE- RAMPUR KANHAR, PS. G.B. NAGAR, DIST. SIWAN.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Bardhan Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 11-07-2024 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 09.10.2023 , passed in a case registered for the offence punishable under sections 341, 323, 354, 325 , 379, 447, 448 , 504 and 506 of the Indian Penal Code and sections 3(i)(r) (s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellants have been rejected.

3. As per the prosecution case, on the alleged date and time of occurrence, when the informant was returning from field, in the meantime both the appellants armed with lathi and danda assaulted him and also abused him by caste name. It is



further alleged that when the husband of the informant came to rescue, he was also assaulted. It is lastly alleged that Manoj Sah (appellant No. 1) has snatched gold ornament and cash of Rs. 19,500/- from informant. It is further alleged that the husband of the informant has purchased a land from the elder of the accused persons and these appellants want to take possession of the land. A proceeding under Section 107 of Cr. P C is also going on between appellants and informant.

4. It is submitted on behalf of the appellants that admittedly there is land dispute between the parties. The present case is counter blast of G B Nagar PS Case No. 311 of 2023 lodged by wife of appellant No. 1 against the husband of the informant and others. It is further submitted that a title suit No. 643 of 2021 was also filed by the mother of the appellant against the husband of the informant which is pending in the Court of Sub – Judge – IV, Siwan and due to pendency of the same this false and concocted case has been lodged against the appellants. It is not the case of the informant that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Rest of the allegation is super addition to make the case grave . Appellants claim clean antecedent.



5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants, 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 Additional Sessions Judge - Ist-cum- Exclusive Special Judge, Siwan in connection with G.B Nagar Police Station Case No. 310 of 2023 .

(Prabhat Kumar Singh, J)

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