

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.180 of 2024

Arising Out of PS. Case No.-584 Year-2022 Thana- NAANPUR District- Sitamarhi

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1. RAM BRIKSHA MAHTO @ KHESHARI LAL MAHTO SON OF LATE BHILLA MAHTO RESIDENT OF VILLAGE AND P.O. - KAURIYA RAIPUR, P.S. - NANPUR, DISTRICT - SITAMARHI (BIHAR)
 2. BIRENDRA MAHTO @ BIRINDAR KUMAR SON OF RAM BRIKSHA MAHTO @ KHESHARI LAL MAHTO RESIDENT OF VILLAGE AND P.O. - KAURIYA RAIPUR, P.S. - NANPUR, DISTRICT - SITAMARHI (BIHAR)
 3. RAKESH MAHTO @ RAKESH KUMAR SON OF RAM BRIKSHA MAHTO @ KHESHARI LAL MAHTO RESIDENT OF VILLAGE AND P.O. - KAURIYA RAIPUR, P.S. - NANPUR, DISTRICT - SITAMARHI (BIHAR)
 4. RAJESH KUMAR SON OF RAM BRIKSHA MAHTO @ KHESHARI LAL MAHTO RESIDENT OF VILLAGE AND P.O. - KAURIYA RAIPUR, P.S. - NANPUR, DISTRICT - SITAMARHI (BIHAR)

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAMBABU RAM SON OF LATE PRABHU RAM RESIDENT OF VILLAGE AND P.O. - KAURIYA RAIPUR, P.S. - NANPUR, DISTRICT - SITAMARHI (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 05-04-2024 1. Learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail with respect to appellant no. 1 Ram Briksha Mahto @ Kheshari Lal Mahto.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to appellant no. 1 is dismissed as withdrawn.
4. Heard learned counsel for the appellants no. 2, 3 and



4, learned Spl.P.P. for the State and learned counsel appearing on behalf of the respondent no. 2.

5. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.10.2023 in SC/ST A.B.P. No. 54 of 2023/190 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Sitamarhi in connection with Nanpur P.S. Case No. 584 of 2022 registered under Sections 341, 323, 436, 452, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)/3(2) (va) of the SC/ST Act.

6. Learned counsel for the appellants submits that appellants are persons with clean antecedent and have been falsely implicated in the instant case by the respondent no. 2 for some ulterior reason.

7. It is further submitted that the respondent no. 2 alleges that the accused persons including the appellants came and Ram Babu Ram set ablaze the house along with straw house of the respondent no. 2 situated on the government land. It is next submitted that the respondent no. 2 claims that the land has been settled with him. It is also submitted that the land belonged to Sureshwari Prasad Verma and Satyendra Prasad Verma and their



names figured in the government record of right but during survey operation on account of mistake of survey authorities the Khatiyani was not prepared in the name of the successors of Sureshwari Prasad Verma and Satyendra Prasad Verma, accordingly, when they came to know about the same they approached the Circle Officer for getting their names mutated over the land in question but the same was refused. Thereafter they approached the Deputy Collector, Land Reforms, Pupri, Sitamarhi by filing Case No. 211 of 2013-14 under the Bihar Land Dispute Redressal Act and the same was allowed by an order dated 23.09.2014 and, accordingly, the name of the successor of the original land holder was mutated with respect to the land in question giving rise to Jamabandi No. 4626. It is further submitted that the appellants herein are tillers and they have taken the land in dispute from the land owner under an agreement for tilling. It is next submitted that the respondent no. 2, despite being aware of the fact, that the land in question is neither the government land nor the same belongs to them nor was ever settled in their favour still taking advantage of their caste instituted the instant case with general and omnibus allegation against other accused persons including the appellants.

8. Learned counsel appearing on behalf of the respondent no. 2 opposes the prayer for anticipatory bail of the appellants but then fairly submits that the land in question has not



been settled with the respondent no. 2 herein but has been settled with Sangeeta Devi on which the learned counsel for the appellants submits that the dispute is in between the original land holder and the person with whom the land has been settled but then respondent has absolutely has no locus to come on the land or to institute any case.

9. Considering the aforesaid submissions, let the appellants no. 2, 3 and 4, above named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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