IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 354 of 2024

1. Santosh Modi, son of Vilas Modi, aged about 35 years, R/o Kamaiydih, P.O. & P.S. Koderma, District- Koderma, Jharkhand
2. Pintoo Modi @ Anand Mohan, aged about 31 years, S/o Ashok Modi, R/o Kamaiydih, P.O. & P.S. Koderma, District- Koderma, Jharkhand
3. Vikram Modi @ Vikram Kumar Modi, aged about 25 years, S/o Govind Modi, R/o Vill.- Anantdih, P.O. & P.S. Koderma, District- Koderma, Jharkhand
4. Shambhoo Pandit, aged about 38 years, S/o Sarju Pandit, R/o Vill.- Anantdih, P.O. & P.S. Koderma, District- Koderma, Jharkhand
5. Mahendra @ Mahendra Modi, aged about 61 years, S/o Dashrath Modi, R/o Vill.- Anantdih, P.O. & P.S. Koderma, District- Koderma, Jharkhand **... Appellants**

-Versus-

1. The State of Jharkhand
2. Ramlal Das, S/o Late Jhaman Das, R/o Vill.- Behradih, P.O. & P.S. Koderma, District- Koderma, Jharkhand **... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants : Mr. Hemant Kumar Shikarwar, Advocate
Mr. Brijnandan Kumar, Advocate
Mr. Abhishek Kumar, Advocate
Mr. Aman Deep, Advocate
For the State : Mr. Rakesh Ranjan, A.P.P.

06/11.12.2024 Respondent no.2 was noticed and notice has been effected and in spite of that respondent no.2 has not appeared and this matter was adjourned on 01.10.2024 and 29.10.2024 with a view to provide one more opportunity to respondent no.2. Identical is the situation today also and, as such, this appeal is being heard in absence of respondent no.2.

2. Heard Mr. Hemant Kumar Shikarwar, learned counsel for the appellants and Mr. Rakesh Ranjan, learned counsel for the State.

3. This appeal is preferred against the order dated 26.04.2024 passed by the learned Additional Sessions Judge-I cum Special Judge (SC/ST Act) Koderma in A.B.P. No.268/2024 in connection with Koderma SC/ST P.S. Case No.01/2023, by which, the prayer for anticipatory bail of the appellants has

been rejected by the learned Sessions Judge.

4. Learned counsel for the appellants submits that the dispute is there with regard to 1.87 acres of land under Khata No.25, PlotNo.243, New Khata No.25/68, Mauza- Kamaydih, Thana and District- Koderma. He submits that the allegations are made that in the year 1975, the land in question was settled in favour of the informant, however, a temple was constructed by the villagers. He further submits that the FIR has been registered against 26 named accused persons of the same village and 40 to 50 unknown persons. He submits that in this background only bald allegation with regard to SC/ST (Prevention of Atrocities) Act has been tried to be made out. He then submits that one of the co-accused, namely, Mayank Kumar @ Mayank Modi has been granted anticipatory bail by this Court in Cr. Appeal (SJ) No.251 of 2024, vide order dated 17.10.2024.

5. Learned counsel for the State opposed the prayer and submits that the allegations are there and in view of that, the learned Sessions Judge has rightly passed the order.

6. Considering that the matter is arising out of land dispute and 26 persons are named in the FIR and the FIR is also registered against 40 to 50 unknown persons of the same village and further allegations are there that the temple was constructed by the villagers on the land in question and it was pointed out that in the meeting of the villagers, it was decided to construct the temple and in the said meeting, the informant was also present and, as such, I am inclined to provide privilege of anticipatory bail to the appellants.

7. In view of the above facts, reasons and analysis, the order dated 26.04.2024 passed by the learned Additional Sessions Judge-I cum Special Judge (SC/ST Act) Koderma in A.B.P. No.268/2024 in connection with Koderma SC/ST P.S. Case No.01/2023 is, hereby, quashed. Accordingly, the appellants, above named, are hereby directed to surrender before the learned Court within three weeks from today, and in the event of their surrender/arrest, they shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge (SC/ST Act) Koderma in connection with in connection with Koderma SC/ST P.S. Case No.01/2023, subject to the following conditions:

(i) The appellants shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witnesses; and

(ii) The appellants shall appear before the trial court on each and every date given to them by the said Court till disposal of the trial.

8. This appeal is, therefore, allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/