

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2080 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- HALSI District- Lakhisarai

- 1. MANI DEVI WIFE OF GANESH YADAV RESIDENT OF VILLAGE - SHIVSONA, P.S. - HALSI, DISTRICT - LAKHISARAI
- 2. BIRJU YADAV SON OF GANESH YADAV RESIDENT OF VILLAGE - SHIVSONA, P.S. - HALSI, DISTRICT - LAKHISARAI
- 3. RANJAN YADAV @ RANJAY YADAV SON OF GANESH YADAV RESIDENT OF VILLAGE - SHIVSONA, P.S. - HALSI, DISTRICT - LAKHISARAI
- 4. DINESH YADAV SON OF GANESH YADAV RESIDENT OF VILLAGE - SHIVSONA, P.S. - HALSI, DISTRICT - LAKHISARAI

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. GIRIJA DEVI WIFE OF BABULAL TANTI RESIDENT OF SHIVSONA, POST OFFICE - SHIV SONA, P.S. - HALSI, DISTRICT - LAKHISARAI. PERMANENT RESIDENT OF VILLAGE - CHARAN, P.S. - SIKANDRA, DISTRICT - JAMUI

... .. Respondent/s

Appearance :

For the Appellants : Ms. Alka Verma, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 08-05-2025 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of Respondent No. 2.

3. At the outset, learned counsel appearing for the appellants seeks permission to withdraw this appeal on behalf of Appellant No. 4, namely Dinesh Yadav.



4. Permission, as prayed for, is accorded.

5. Accordingly, this application on behalf of Appellant No. 4 is dismissed as withdrawn.

6. This appeal has been filed for setting aside order dated 16.03.2024 passed in a case registered for the offence punishable under Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

7. As per prosecution case, informant, namely Girija Devi, alleged that her family was granted two acres of land by the Bihar Bhudaan Yagya Committee but only one acre of land remains in their possession whereas the F.I.R. named accused persons, including these appellants, who are muscle man of the locality, forcibly occupied the other one acre of land. It is further alleged that when she opposed, all the F.I.R. named accused persons, including these appellants, assaulted her, abused her by caste name and threatened her of abduction and murder.

8. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are quite innocent and have committed no offence. As a matter of fact, due to land dispute between the parties these appellants have false falsely



implicated in this case. As a matter of fact the land appertaining to Khata No. 3, Khesra No. 678 Area 1 acre and 50 decimal, Tazi 341, Thana No. 193 was given to father of Appellant No. 1, namely Karu Yadav, vide a *Praman Patra* issued by Bihar Bhoodan Yagya Committee, Lakhsarai on 05.10.1984 which has been mutated in the name of Appellant No. 1 and the rent receipts are also being issued. It is further submitted that the informant fraudulently got *ex parte* order in her favour and since then, these appellants have never stepped on the land in question and informant also threatened these appellants of falsely implicating them under false Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and as soon as the informant came to know that appellants are going to challenge the *ex parte* order, this false and concocted case has been lodged. From bare perusal of the F.I.R. it is apparent that the dispute is with regard to right, title and possession of land which is purely civil in nature. It is not the case of the prosecution that any member of the public was present at the time of incidence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

9. Learned Spl. P.P. appearing for the respondent-State



has opposed the prayer for grant of bail to the appellants.

10. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 16.03.2024 passed by the learned Additional District and Sessions Judge No. 1, Lakhisarai in connection with A.B.P. No. 188 of 2024 arising out of Halsi P.S. Case No. 271 of 2023 is hereby set aside with respect to Appellant Nos. 1, 2 and 3 only.

11. Accordingly, let the Appellant Nos. 1, 2 and 3, 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 learned Additional District and Sessions Judge No. 1, Special Judge, SC/ST Act, Lakhisarai in connection with Halsi P.S. Case No. 271 of 2023.

12. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

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