

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3657 of 2024

Arising Out of PS. Case No.-10 Year-2022 Thana- MADHUBANI COMPLAINT CASE Dis-
trict- Madhubani

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1. Baidnath Thakur @ Bidayanath Thakur son of Late Jay Narayan Thakur
RESIDENT OF VILLAGE -DHAKJARI P.S- ARER, DISTRICT -MAD-
HUBANI
 2. Raushan Kumar Thakur @ Raushan Thakur son of Baidnath Thakur @ Bi-
dayanath Thakur RESIDENT OF VILLAGE -DHAKJARI P.S- ARER, DIS-
TRICT -MADHUBANI
 3. Kanhaiya Thakur son of Baidnath Thakur @ Bidayanath Thakur RESIDENT
OF VILLAGE -DHAKJARI P.S- ARER, DISTRICT -MADHUBANI
 4. Prakash Thakur son of Baidnath Thakur @ Bidayanath Thakur RESIDENT
OF VILLAGE -DHAKJARI P.S- ARER, DISTRICT -MADHUBANI

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Panchu Saday son of Late Saini Saday Village- Bhaduli Parkauli, Ps- Arer,
Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-01-2025 1. Heard the parties.

2. The appellants apprehend their arrest in connection with
C.R. Case No. 10 of 2022 dated 20.01.2022 registered for the
offence under Section 341, 323, 379, 386, 504, 506 / 34 of the
IPC and Section 3(i)(x) of the S.C. & S.T. Act and being
aggrieved by the order dated 05.07.2024 passed by learned
Additional District and Sessions Judge 1st, Madhubani has pre-
ferred this appeal for grant of anticipatory bail.



3. As per the complaint lodged by the respondent no. 2, on 14.01.2022 the respondent no. 2 went to temple for worship but in the meanwhile the appellant no. 1 objected to his entry into the temple, the appellant no. 2 abused him by taking his caste name, the appellant no. 3 torn his shirt and snatched Rs. 500/- and the appellant no. 4 threatened him. The informant went to the police station to institute an F.I.R. but the Police refused to register the F.I.R.

4. Learned counsel for the appellants submits that both the parties are co-villagers and the present complaint has been filed at the behest of the agnate / co-sharer of the appellants by the complainant / respondent no. 2 which would be evident from the fact that the co-sharer / agnate of the appellants Raghav Thakur is one of the witnesses in the complaint filed by the complainant / respondent no. 2. Learned counsel further submits that in the year 2021 the appellant no. 4 had lodged Arer P.S. Case No. 61 / 2021 against the witness- Raghav Thakur and his family members pertaining to the dispute regarding land between them. Learned counsel next submits that a complaint was also filed by the appellant no. 1 bearing C.R. Case No. 337 / 2021 against the witness in the complaint Raghav Thakur and his family members regarding land dispute. Accordingly submission is that



complaint has been filed with malafide intention and at the behest of co-sharer / agnate of the appellants in abuse of the process of court.

5. On the other hand, learned counsel for the complainant opposed the prayer for anticipatory bail and submits that after examining the witnesses and the complainant on S.A. the learned Special Court has taken cognizance against the appellants as such this appeal is not maintainable.

6. Regard being had to the submission made by the parties, taking into consideration the fact that there appears to be land dispute between the appellants and one of the witnesses in the complaint lodged by the respondent no. 2 namely Raghav Thakur and his family members and according to the appellants the present complaint has been filed at the behest of the appellants' co-sharer due to land dispute, as such, I am inclined to grant anticipatory bail to the appellants.

7. Accordingly, the order dated 05.07.2024 passed in A.B.P. No. 1154 of 2024 by learned District and Sessions Judge 1st, Madhubani is hereby set aside.

8. Let the appellants, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing



bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st cum Special Judge, S.C. & S.T. Act, Madhubani in connection with C.R. Case No. 10 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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