

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4853 of 2024

Arising Out of PS. Case No.-520 Year-2019 Thana- BIHTA District- Patna

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Jai Shankar Pandey Son of Narayan Pandey R/O Village- Bindaul P.S.- Bihta,
District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Manohar Paswan Son of Late Bakhora Paswan R/O Village- Bindaul P.S.-
Bihta, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Paswan, Adv.
For the Respondent/s : Mr. Binay Krishna, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2025 1. Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

2. The appellant has challenged the order dated
19.09.2024 passed in ABP No.3821/2024 passed by the learned
Exclusive Special Judge, SC/ST Act, Patna in connection with
Bihta P.S. Case No.520 of 2019 instituted for the offences under
Sections 341, 323, 504, 506 of the IPC and Section 3(i)(r) of the
SC & ST Act, whereby his prayer for grant of anticipatory bail
has been rejected.

3. The learned counsel for the appellant submits that
appellant has antecedent of one case and the informant alleges
that they got land from the government as they belong to 'Dalit'



family, but then the accused persons including the appellant have encroached the land which was given to the informant and others by the government for constructing their house, and after encroaching the land, the accused persons were building a road for sand extraction in Sone river which was objected by the informant when they abused by taking caste name and also threatened.

5. The learned counsel for the appellant next submit that the lands which were given to the informant and his side by the government was submerged in flood and formed part of Sone river, but the informant and his side forcefully were trying to encroach the land which was not given to them by the government on the pretext that they are owner of the land of which the appellant and their ancestors are the owners.

6. It is also submitted that even the report of the Circle Officer indicates that the land which was given to the informant and his side got submerged in Sone river. It is next submitted that even the allegation do not inspire confidence as there is no specific allegation against the appellant that who amongst the accused persons abused. It is further submitted that similarly situated co-accused Ravi Ranjan Kumar Singh @ Ravi Ranjan Singh along with five others had moved this court seeking



anticipatory bail by filing Cr. Appeal (SJ) No.2724 of 2024 and the same was allowed by an order dated 08.08.2024 after hearing the learned counsel for the parties.

7. Considering the submission and also taking into account the order dated 08.08.2024 in Cr. Appeal (SJ) No.2724 of 2024, the order impugned dated 19.09.2024 is set aside.

8. The appeal stands allowed.

9. The appellant above named, in the event of his arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.5000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna in connection with Bihta P.S. Case No.520 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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