

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2887 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- Gopalganj

1. Lilawati Devi wife of Rajesh Prasad Village- Madhopur, Ps- Barauli, Dist- Gopalganj
2. Manawati Devi wife of Loknath Sah Village- Madhopur, Ps- Barauli, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Prasad son of Late Hajari Sah Village- Madhopur, Ps- Barauli, Dist- Gopalganj

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3770 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- Gopalganj

1. Amar Sah S/O Late Bhuwali Sah R/O Village- Pakari Tiwari Tola, P.S- Basantpur, Distt.- Siwan.
2. Arun Kumar Tiwari S/O Late Vishwanath Tiwari R/O Village- Pakari Tiwari Tola, P.S- Basantpur, Distt.- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Prasad S/O Late Hazari Sah R/o Village- Madhopur, P.s- Barauli (O.P. Madhopur), Distt.- Gopalganj.

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 2887 of 2024)

For the Appellant/s : Mr.Vyas Kumar Mishra

For the Respondent/s : Mr.Binay Krishna

None

(In CRIMINAL APPEAL (SJ) No. 3770 of 2024)

For the Appellant/s : Mr.Ajay Kumar Pandey

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 21-04-2026

CRIMINAL APPEAL (SJ) No.2887 of 2024



1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 18.05.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with ABP No.1168 of 2024 arising out of Gopalganj SC/ST P. S. Case No.42 of 2023, instituted for the offences under Sections 341, 323, 120B, 467, 468, 471, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and are women and the informant alleges that appellants fraudulently purchased his land which is recorded in the name of his father Hazari Sah and when he was confronted, the accused abused by taking caste name.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that appellants are innocent purchaser. It is further submitted that appellants purchased the



land in dispute from Amar Sah as would manifest from the sale deed annexed with the supplementary affidavit filed in compliance of the order dated 04.11.2025. It is submitted that in the supplementary affidavit, plaint of Title Suit No.132 of 2021 is also annexed and from perusal of the same, it would manifest that Amar Sah is son of Rajli Devi and Bhuwali Sah and Rajli Devi is own sister of Hazari Sah, as such, Amar Sah is own maternal nephew of Hazari Sah. It is next submitted that the land in dispute also belongs to Rajli Devi and as such, Amar Sah executed the sale deed in favour of the appellants, but then, the in the FIR the informant deliberately did not disclose the said fact that the land was sold by Amar Sah in favour of the appellants, who is own maternal cousin. It is further submitted that as far as allegation of abuse is concerned, the same is general and omnibus in nature.

5. The learned Special P.P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 18.05.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on



their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with ABP No.1168 of 2024 arising out of Gopalganj SC/ST P. S. Case No.42 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

CRIMINAL APPEAL (SJ) No. 3770 of 2024

1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 18.05.2024 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with ABP No.1168 of 2024 arising out of Gopalganj SC/ST P. S. Case No.42 of 2023, instituted for the offences under Sections 341, 323, 120B, 467, 468, 471, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean



antecedent and the informant alleges that Lilawati Devi and Manawati Devi fraudulently purchased his land which is recorded in the name of his father Hazari Sah and when he confronted, the accused persons was abused by taking caste name.

4. The learned counsel for the appellants submits that Lilawati Devi and Manawati Devi had approached this Court seeking anticipatory bail application by filing Cr. Appeal (S.J.) No.2887 of 2024 and the same came to be allowed by an order dated 21.04.2026. It is submitted that appellant no.1 i.e. Amar Sah sold the land in dispute in favour of Lilawati Devi and Manawati Devi. It is also submitted that Amar Sah is own maternal cousin of the informant, but then, informant for reasons best known in the FIR did not disclose his relationship with Amar Sah and thus, gave an impression that the lands have been fraudulently sold. It is next submitted that while granting the privilege of anticipatory bail to Lilawati Devi and Manawati Devi, the Court had considered the case on merits and in detail.

5. The learned Special P.P. opposes the appeal.

6. Regard being had to the aforesaid submissions, the order dated 18.05.2024 is set-aside.

7. The appeal stands allowed.



8. Considering the submissions and also taking into consideration the order dated 21.04.2026 in Cr. Appeal (SJ) No.2887 of 2024, the appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with ABP No.1168 of 2024 arising out of Gopalganj SC/ST P. S. Case No.42 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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