

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4243 of 2024

Arising Out of PS. Case No.-434 Year-2024 Thana- GARKHA District- Saran

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1. Raj Narayan Singh Son of Late Tarkeshwar Prasad Singh Resident of Village -Saiki, P.S.- Garkha, District Saran at Chapra
 2. Ajay Kumar Singh Son of Late Tarkeshwar Singh Resident of Village -Saiki, P.S.- Garkha, District Saran at Chapra
 3. Atul Kumar Singh @ Atul Kumar Son of Raj Narayan Singh Resident of Village -Saiki, P.S.- Garkha, District Saran at Chapra
 4. Alamgir @ Alam Miya, Son of Sobrati Miya, R/o Village- Kewani, P.S. Garkha, District-Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Ram Son of Late Badri Ram Resident of Village -Kewani, P.S.- Garkha, District Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sharma, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.
		Mr. Kumar Binode Bariar, Advocate
		Mr. Rananjay Kumar, Advocate
		Mr. Arif Daula Siddiquie, Advocate
		Mr. Naumaan Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 01-04-2026 1. Heard learned counsel for the appellants; learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant.
2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.08.2024 in A.B.P. No. 2716 of 2024 passed by



the learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with Garkha P.S. Case No. 434 of 2024 registered for the offence under Sections 120(B), 420, 467, 468, 471, 504/34 of the IPC and Section 3(i) (r)(s) of the SC/ST Act.

3. Learned counsel for the appellants seeks permission to withdraw the appeal with respect to appellant no. 4 who was arrested during the pendency of the appeal.

4. Permission is accorded.

5. It is next submitted that the appellant nos. 1, 2 and 3 are the persons with clean antecedent and the informant alleges that Alam Miya gave proposal to him and his brother to purchase 1 *katha* land from Raj Narayan and Ajay who were intending to sell their land and accordingly the informant and his brother met them in presence of Atul, thereafter, on 29.08.2023, the sale deed with respect to the land was executed in their favour. Further, when they went on the land, the relatives of the vendor came and obstructed them from taking possession on the ground that vendor in absence of partition had sold land in excess of their share, hence, on 12.05.2024, informant went to the house of the accused for asking to return Rs. 3 lacs which was given in lieu of the land when he was abused by taking caste name.



6. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by informant. It is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that it is not in dispute that the land which was sold to the informant and his brother belongs to the appellants but then informant is alleging that after the sale deed was executed when he went to take possession of the land the relatives of the vendor resisted him from taking possession of the land. It is submitted that from perusal of the sale deed annexed as Annexure-2 to the appeal, it would manifest that the same record at page 34 that possession of the land is also handed over to the informant and his brother. It is further submitted that as far as allegation of abuse and threatening is alleged, the same is ornamental and even presuming what has been been alleged is true without admitting then the entire occurrence took place at the house of the appellant thus was not in the public view. It is asserted and submitted that the informant and his brother are in possession of the land which they purchased.

7. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant but they are not in a



position to rebut the submission of the learned counsel appearing on behalf of the appellants that the sale deed annexed as Annexure-2 to the appeal clearly records that even the possession of the land handed over to the informant and his brother.

8. Considering the submissions, let the appellant nos. 1, 2 and 3, above named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Satyavrat Verma, J)

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