

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3225 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -GURUA District- GAYA

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1. Krishna Sao @ Karishna Sao S/o Rameshwar Sao
2. Pappu sao @ Pappu Sao @ Amar Kumar, Son of Krishna Sao
3. Pintu Sao @ Aakash Kumar, Son of Krishna Sao
4. Rameshwar sao Son of late Vishun sao
5. Kamla Devi W/o Krishna Sao All are Resident of Village-Jaibigha, P.S.-
Gurua, District-Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhishek Anand, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-12-2017

This is an appeal under Section 14(A)(2) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Gaya, in Gurua Police Station Case No.17 of 2017 registered under Sections 147/341/323/504/506/427/435 of the Indian Penal Code and Section 3(i) (x) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

The appellants are next door neighbour of the informant and there is land dispute between the parties, which would be evident from Annexure-3. In the aforesaid background the allegation is that the appellants committed arson in the hut of the informant by the side of his house and thereafter abused and assaulted.



Submission of the learned counsel for the appellants is that false case has been lodged just to pressurize in the land dispute. The F.I.R. would itself reveal that the occurrence did not take place for the reason that the appellants were intending to humiliate the members of the schedule caste and schedule tribe; rather for some different dispute. Hence, the bar under Section 18 is not attracted in the facts and circumstances of the case.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Gurua Police Station Case No.17 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the appeal stands allowed.

(Birendra Kumar, J)

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