

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2858 of 2017

Arising Out of P.S.Case No. -72 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Sempul Prasad Yadav @ Birendra Pd. Yadav @ Semphul Pd. Yadav, son of Late Vishwanath Prasad Yadav.
2. Jiyalal Prasad Yadav son of Hiralal Prasad Yadav, Both are resident of Village- Devdatwa, P.S. Sugauli, District- East Champaran..... Appellants
Versus

The State of Bihar Respondent

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Appearance :

For the Appellant/s : Mr. Uday Kumar Mishra, Adv.
For the Respondent/s : Mr. Binay Krishna, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-12-2017

Heard learned counsel for the parties.

This is an appeal under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Sugauli P.S.Case No. 72 of 2017 registered under Sections 341, 323, 506/34 of the Indian Penal Code as well as under Section 3(i)(r) of the Scheduled Castes (POA) Act.

A civil dispute is going on between the parties as per the FIR.

Submission of the learned counsel for the appellants is that a Title Suit No. 633 of 2016 has been brought against the informant and these appellants and the same is pending in the court of learned Sub Judge, Motihari



as both have purchased the land from the same vendor. For that dispute allegation is that the appellants abused and committed assault. The FIR does not reveal that the occurrence took place for the reason that the appellants were intending to humiliate a member of the scheduled caste rather occurrence took place for land dispute between the parties.

Hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sugauli P.S.Case No. 72 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, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

Nitesh/-

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