

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.702 of 2018**

Arising Out of PS.Case No. -62 Year- 2017 Thana -SC/ST District- GAYA

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1. Udai Bihari Lal,  
2. Ras Bihari Lal, Both are Son of Kunj Bihari Lal,  
3. Padma Bihari Lal, Son of Bradhawan Bihari Lal, All resident of Village-  
Panari, P.S.- Belaganj, Dist- Gaya.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Deepak Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

2      15-03-2018

Heard learned counsel for the parties.

This is an appeal under Sections 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 Special Judge, SC/ST, Gaya in connection with S.C./S.T. P.S.Case No. 62 of 2017 (G.R.No.7777 of 2017) registered under Sections 323, 504, 406, 420, 120(B), 34 of the Indian Penal Code as well as under Sections 3(i)(x)(3)(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The complaint based allegation would reveal that the complainant had purchased 15 decimals of land from the appellants through registered sale deed. Though the complainant had paid considering money for purchase of 5



kathas of land equivalent to 16 ¼ decimal.

In the aforesaid background, allegation is of commission of abuse by taking caste name. The background of allegation would reveal that the matter is of abuse of process of law for the purpose of this appeal.

The learned counsel for the complainant opposed the prayer for bail.

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 the aforesaid case, 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.

**(Birendra Kumar, J)**

Nitesh/-

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