

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2680 of 2018

Arising Out of PS.Case No. -172 Year- 2017 Thana -DINARA District- SASARAM (ROHTAS)

- =====
1. Lalan Tiwari S/o. late Ramnath Tiwary, R/o. Village- Bhudhar Khaira, P.S. Bikramganj, District- Rohtas
 2. Jai Prakash Giri S/o. late Kumar Giri, R/o. Village- Saroth, P.S. Dinara, District- Rohtas

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

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, 1989 against the refusal of prayer for anticipatory bail vide order dated 07.03.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.2586 of 2017, arising out of Dinara Police Station Case No.172 of 2017, registered under Sections 147/148/149/341/323/379/504/436 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(F)(g)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is land dispute between the parties as the appellants claims the plot referred in the FIR through purchase vide registered



sale-deed dated 25.04.1958. In the aforesaid background, allegation of the offences of Indian Penal Code are bailable save and except allegation of commission of theft at the time of occurrence. There is case and counter-case also.

Considering the entire facts aforesaid, 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 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, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2018
Transmission Date	31.08.2018

