

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.714 of 2018

Arising Out of PS.Case No. -421 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Amjad Mian @ Amjad Ali, S/o Late Nek Mahmmad Mian,
 2. Ansar Mian @ Ansar Ali, S/o Late Nek Mahmmad Mian,
 3. Abbas Mian @ Abbas Ali, S/o Late Nek Mahmmad Mian,
 4. Gaffar Mian, S/o Late Nek Mahmmad Mian,
 5. Amir Khan, S/o Late Abbas Mian @ Abbas Ali.
 6. Tanjeer Mian @ Tanjeer Alam @ Tanveer Mian @ Tanveer Alam, S/o
Ansar Mian @ Ansar Ali, all are resident of Village- Mathlohiyar
Chhatbaniya Tola, P.S.- Harsidhi, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Pandey, Advocate

For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Harsidhi Police Station Case No.421 of 2017 registered under Sections 147/148/149/ 323 / 324 / 307/504/506 of the Indian Penal Code and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is land dispute between the parties and in a criminal proceeding possession of the appellants was found by the competent authority. In the aforesaid background there is general and omnibus allegation of commission of abuse and assault by taking caste name.

Considering the general and omnibus nature of allegation, 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)

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