

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.815 of 2018

Arising Out of PS.Case No. -95 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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1. Bira Rai, S/o Raghubanshi Rai,
 2. Pramod Rai S/o Raghubanshi Rai,
 3. Kalawati Devi W/o Bira Rai,
 4. Bidha Devi W/o Pramod Rai, All are R/o Village- Bhakurhar, P.S.-
Bairgania, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shankar Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-03-2018 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 by the learned Additional Sessions Judge 1st -cum-Special Judge (S.C./S.T. Act), Sitamarhi, in Sitamarhi SC/ST Police Station Case No.95 of 2016 registered under Sections 341/323/324/379/504/34 of the Indian Penal Code and Sections 3(i) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Title Suit No.10 of 2015 is going on between the appellant Pramod Rai and others versus father of the informant Kirti Baitha and others in the Court of Munsif, Sitamarhi. In the aforesaid background allegation is general and omnibus against five named accused persons including the appellants that they



committed abuse by taking caste name of the informant and assault as well.

Submission is that the appellants are law abiding people and they have already filed civil suit for redressal of their grievance. The land dispute reveals from the FIR also. Just to pressurize the false case has been lodged.

Considering the aforesaid facts, in my view, the appellants deserve anticipatory 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 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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