

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.896 of 2018

Arising Out of PS.Case No. -40 Year- 2015 Thana -SC/ST District- KHAGARIA

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1. Md. Kaishar Son of Md. Mojahid
2. Rokhsana Khtoon Wife of Md. Kaishar.
3. Kamar Alam @ Md. Kamar Alam, Son of Md. Mojahid @ Mojahir. All Resident of Village-Sahsi, Tola-Dehuliya, P.S.-Alauli, District-Khagaria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai
Ms. Anita Kumari

For the Respondent/s : Ms. Usha Kumari No. 1 (SPP247)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional District & Sessions Judge-cum-Special, SC/ST, Khagaria in connection with Khagaria SC/ST P.S. Case No. 40/2015 registered under Sections 341, 323 and 379/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

There is land dispute between the parties which would be evident from perusal of Annexure-4, i.e. a proceeding under Section 144 of the Cr.P.C. initiated in the year 2015 itself. The allegation is



general and omnibus that the appellants abused by taking caste name of the informant and committed assault and theft. The informant has suppressed the land dispute between the parties.

Considering the background of allegation and 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 bond of Rs. 20,000/- (rupees 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 and 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 stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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