

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.727 of 2018

Arising Out of PS.Case No. -157 Year- 2017 Thana -DHANSORI District- BUXAR

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1. Ramakant Pathak, Son of Late Ramashish Pathak.
2. Ramji Pathak, Son of Late Jagdish Pathak.
3. Rama Shankar Pathak, Son of Late Jagdish Pathak.
4. Tanman Pathak, Son of Late Jagdish Pathak. All are Resident of Village-
Itarhiya, Police Station- Dhansoin, District- Buxar..... Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Om Prakash, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2018

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 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Buxar, in Dhansoi Police Station Case No.157 of 2017 registered under Sections 147/148/149/506/427 IPC, Section 27 of the Arms Act and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Khata No.113, Plot No.207, area ten decimals was decreed in favour of Jagdish Pathak and others including father of co-accused Ramji Pathak. Allegation in the F.I.R. is that the appellants uprooted the hut standing on the said plot of the informant.



Submission is that the decree was already executed years back and just to put wrongful claim, the F.I.R. was lodged with allegation that the petitioner variously armed came and committed abuse by taking caste.

Considering the background of allegation and the bonafide of the appellants as well as general and omnibus allegation that the appellants were variously armed, 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 appeal stands allowed.

(Birendra Kumar, J)

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