

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.167 of 2018**

Arising Out of PS.Case No. -9 Year- 2016 Thana -SC/ST District- SAHARSA

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1. Bahadur Poddar, Son of Laxmi Poddar, Resident of Village- Golma  
Tola Bathnaha, P.S.- Sonbarsa Raj, Dist- Saharsa.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      09-02-2018

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 1<sup>st</sup> Additional Sessions Judge, Saharsa-cum-Special Judge (S.C./S.T. Act), 9 of 2016, in Saharsa Sadar SC/ST Police Station Case No.9 of 2016 registered under Sections 341/354/323/384/504/506/34 of the Indian Penal Code and Sections 3(1)(iii)(x)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For the occurrence dated 10.01.2016 the written report was lodged with the police on 15.02.2016. The written report would reveal that for land dispute the appellant allegedly committed abuse and assault.



Submission of the learned counsel for the appellant is that a perusal of the F.I.R. would reveal that no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is disclosed as such bar to entertain anticipatory bail application is not applicable. There is bona fide land dispute between the parties.

Finding substance in the submissions aforesaid, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

Accordingly, the appeal stands allowed.

**(Birendra Kumar, J)**

Mkr./-

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