

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.450 of 2018

Arising Out of PS.Case No. -129 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

- =====
1. Ranjesh Kumar @ Ranjesh Thakur,
 2. Bablu Thakur
 3. Kanhaiya Kumar Thakur @ Kanhaiya Thakur, All sons of Sunil Kumar Thakur, resident of Village - Hansopur, P.S. Khanpur, District-Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ghanshyam Choudhary

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-04-2018

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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned Chief Judicial Magistrate, Samastipur in Khanpur P.S. Case No. 129 of 2017 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code as well as Section 3(i)(s) of the SC/ST Act.

There is case and counter case. The occurrence took place due to dispute arising during measurement of the land. General and omnibus allegation is of commission of abuse by taking caste name as well as of assault.



Learned counsel for the informant opposed the prayer for bail.

Considering the aforesaid facts, in my view, the appellants deserve protection of their fundamental right, hence, 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/- (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 this appeal stands allowed.

(Birendra Kumar, J)

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