

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.463 of 2018

Arising Out of PS.Case No. -56 Year- 2017 Thana -SC/ST District- MUNGER

- =====
1. Shailendra Yadav @ Shailendra Prasad Yadav, son of Jamun Yadav, resident of Mohalla- Purani Chauk Kharagpur, P.S. Haveli Kharagpur, District- Munger.
 2. Chandan Yadav, son of Bidhiya Nand Yadav.
 3. Nandan Yadav @ Nandan Kumar, son of Bidhiya Nand Yadav, Both resident of Lohra, P.S. Tetiya Bambar (Sangrampur), District- Munger.
- Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kamal Kishore Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-02-2018

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 I/C. Sessions Judge-cum-Special Judge, Munger, in connection with SC/ST Munger Police Station Case No.56 of 2017 registered under Sections 341/323/324/307/379/504/506 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to first information report, the informant had taken on rent the referred land, which the appellants claim to have purchased through registered sale-deed on 15.02.2017. The occurrence allegedly took place on 09.09.2017 for that land. The appellants and others allegedly abused and assaulted to the informant by taking caste name.



Submission is that there is case and counter case.

In the statement ,under Section 164 Cr.P.C., the informant had not stated that the appellants abused by taking caste name or intending to humiliate to the members of the scheduled caste. Submission is that in the background of the dispute, to grab the land purchased by the appellants and to put wrong pressure this false case has been lodged.

Finding substance in the submission aforesaid, 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 appeal is allowed.

(Birendra Kumar, J)

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