

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3404 of 2017

Arising Out of PS.Case No. -217 Year- 2017 Thana -KADWA District- KATIHAR

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1. Md. Shamim @ Sammo @ Shamim, Son of Sk. Jalil, Resident of Village
- Hachalpur, Pariya Tola P.S. Kadwa, District Katihar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nadimul Hasan

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 31-01-2018

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 1st Additional Sessions Judge-cum-Special Judge, Katihar in Kadwa P.S. Case No. 217 of 2017 registered under Sections 341, 323, 436, 504/34 of the Indian Penal Code as well as Sections 3(i)(r)3(2)(iv) of the SC/ST Act.

There is general and omnibus allegation in the FIR against the appellant and others that besides committing assault and abuse, they committed arson in the house of the informant for land dispute.

Submission of the learned counsel for the appellant is



that no offence under the provisions of the SC/ST Act is attracted against the appellant. Hence, bar under Section 18 of the SC/ST Act is not applicable.

Finding substance in the submission aforesaid and considering the general and omnibus nature of allegation and land dispute which is reason for dispute, 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 bond of Rs.20,000/- (rupees 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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