

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2161 of 2018

Arising Out of PS. Case No.-46 Year-2017 Thana- KINJAR District- Jehanabad

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1. Uma Sharma @ Umakant Sharma, Son of Late Shyam Narayan Sharma.
 2. Sudhir Sharma, Son of Sri Surendra Sharma.
 3. Rajeshwar Sharma, Son of Late Shyam Narayan Singh.
 4. Arvind Sharma, Son of Late Kameshwar Sharma.
 5. Srikant Sharma, Son of Late Nanhak Sharma. All are resident of Village- Pariyari Dih, Police Station- Kinjar in the district of Arwal.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Navin Sharma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-07-2018

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 vide order dated 29.05.2018 passed by the learned Additional Sessions Judge-I, Jehanabad, in A.B.P. No.722 of 2018, arising out of Kinjar Police Station Case No.46 of 2017 registered under Sections 341, 323, 504, 506, 436/34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Allegation is general and omnibus against the appellants to have abused and assaulted to the informant for the reason that informant had constructed a house on the land of temple trust.

Submission of the learned counsel for the appellants is that the informant has suppressed the factum of land dispute between the parties which would be evident from *Annexure-4*, whereby a proceeding under Section 145 of the Criminal Procedure Code for possession over the land between the parties was decided in favour of the appellants. There is case and counter case.

Considering the background and nature of allegation, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with



the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
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