

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1876 of 2018

Arising Out of PS.Case No. -11 Year- 2018 Thana -SC/ST District- BHOJPUR

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1. Ravindra Singh,
2. Devendra Singh Both Sons of Late Baikunth Singh, R/o Vill.- Basantpur, P.S.-
Ara Muffasil, Distt.- Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudha Chandra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

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 against the refusal of prayer for anticipatory bail vide order dated 10.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bhojpur at Ara, in A.B.P. No.567 of 2018, arising out of SC/ST Police Station Case No.11 of 2018, registered under Sections 341/323/427/379/504/506/34 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.

The informant had purchased five kathas of land in the name of his son Munna Paswan from Surendra Kumar Singh, full brother of the appellants. For that land allegation is that the appellants



committed abuse and assault by taking caste name.

Submission is that the appellants had already filed a case for preemption prior to the present FIR. There is unity of title and possession on the transferred land. Hence, unless the property is partitioned the informant had no right to go over the land.

Finding substance in the aforesaid submission, 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 the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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