

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1841 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -SC/ST District- GAYA

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1. Amit Kumar @ Basant, Son of Nawal Kishore Yadav,
2. Ankush Kumar @ Tiger, Son of Bindeshwar Yadav,
3. Vishal Kumar, Son of Dilip Yadav, All resident of Village- Rehua, Chaurahar,
P.S.- Magadh, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunal Tiwary, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-07-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 26.04.2018 in A.B.P. No.87 of 2018 passed by the learned Special Judge, SC/ST, Gaya in connection with Gaya Sadar SC/ST P.S.Case No. 05 of 2018 registered under Sections 147,149,341,323,337,338,354,504,506 of the Indian Penal Code and Sections 3(1)(r)& W(1) of the Scheduled Castes and Scheduled Tribes Act.

A proceeding under Section 145 Cr.P.C. was going on between the parties for land dispute. The order of possession



was recorded in favour of the appellants, which was challenged in Cr.Revision No.120 of 2009. The Cr.Revision was dismissed by the learned Sessions Judge, Gaya vide Annexure-3 on 05.08.2016.

In the aforesaid background, initially, the daughter of the informant lodged Gaya Magadh Medical P.S.Case No. 37 of 2018, alleging attempt to rape committed by the appellants and thereafter the informant lodged SC/ST P.S.Case No.05 of 2018, alleging therein that when the allegation of attempt to commit rape was complained, other family members abused and assaulted by taking caste name. The allegation is general and omnibus.

In the present FIR, there is no specific allegation against the appellants and considering the background 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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