

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2194 of 2018

Arising Out of PS.Case No. -28 Year- 2017 Thana -SC/ST District- SIWAN

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1. Savita Devi, Wife of Santosh Kumar Srivastava,
2. Dhananjai Kumar Srivastava @ Dhananjai Srivastava, Son of Late Shashi Bhushan Srivastava,
3. Mritunjai Srivastava @ Mritunjai Kumar Srivastava, Son of Late Shashi Bhushan Srivastava, All resident of Village- Badram, P.S.- Hussainganj, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramadhar Shekhar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 04.06.2018 in A.B.P. No.693 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with SC/ST P.S.Case No. 28 of 2017 registered under Sections 341, 323, 354, 354B, 379, 447, 427, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes Act.

A civil suit is going on between the parties and for that reason in the past, the appellants' side has lodged two



criminal cases against the husband of the informant and others. In the aforesaid background, allegation is of commission of assault and abuse by taking caste name as well as of theft.

Considering the background of allegation which is land dispute between the parties, 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
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