

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2242 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -ANDER District- SIWAN

- =====
1. Arvind Pandey, Son of Late Madan Pandey.
 2. Ashok Pandey @ Ashok Kr. Pandey, Son of Late Madan Pandey.
 3. Sunil Pandey @ Sunil Kumar Pandey, Son of Suresh Pandey.
 4. Prince Pandey @ Prince Kumar Pandey, Son of Late Jai Prakash Pandey.
 5. Dhananjay Pandey, Son of Late Prabhu Pandey.
 6. Maksudan Dubey @ Madhusudan Pandey @ Madhusudan Dubey, Son of Naweshwar Dubey.
 7. Manoj Kumar Diwedi @ Manoj Dubey, Son of Ghanshyam Dubey.
 8. Krishnand Mishra @ Krishna Kumar Mishra, Son of Late Chandrika Mishra.
- All resident of Village - Banthu Sriram, Police Station- Ander, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 04.06.2018 in A.B.P. No. 805 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Court, Siwan in connection with Andar P.S. Case No. 19 of 2018 registered under Sections 147, 148, 149, 341, 323,



324, 307, 504 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(x) of the SC/ST Act.

Title Suit No. 394 of 2006 was decided in favour of the appellants and against the informant of this case and others by judgment and decree dated 29.06.2015.

There is case and counter case between the parties. General and omnibus allegation is of commission of abuse by taking caste name as well as of commission of assault for the reason that the informant was erecting a wall on his land which was protested by the appellants.

Learned counsel for the informant opposed the prayer for bail.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of allegation and bona fide claim of the appellants on the land, 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 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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