

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2396 of 2018

Arising Out of PS.Case No. -3 Year- 2017 Thana -SC/ST District- MADHUBANI

- =====
1. Kaushlendra Kumar @ Gunni, Son of Late Baidnath Prasad Sahu
 2. Shalendra Kumar @ Murli Sah, son of Late Nilambar Prasad Sahu, Both residents of village + P.O. Ratauli, P.S. Phulparas, District - Madhubani.

.... Appellant/s

Versus

1. The State of Bihar through the Special P.P. S.C. & S.T. (Prevention of Atrocities) Act, 1987.

.... 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: 18-08-2018

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. 689 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Madhubani in connection with Madhubani SC/ST P.S. Case No. 03 of 2017 registered under Sections 341, 323, 379, 354B, 504/34 of the Indian Penal Code as well as Sections 3(1)(r)(g), 3(2)(va) of the SC/ST Act.

Both sides have land adjoining to each other and there is dispute for encroachment of land by the informant as per the



statement of the appellants in para 2 to the supplementary affidavit. In the aforesaid background, allegation is of commission of abuse and assault as well as theft and attempt to outrage the modesty. The occurrence is also said to have taken place for the reason that the appellants were cutting soil from the land of the informant.

Submission is that identity of the land has deliberately been not disclosed for the reason that the informant has encroached upon the land of the appellants and were not ready to vacate the same.

Learned Special Public Prosecutor opposed the prayer for bail.

Finding substance in the aforesaid submission which is supported by the material record, 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.
Uploading Date	21.08.2018
Transmission Date	21.08.2018

