

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3342 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- SC/ST District- Siwan

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1. Rama Shankar Jaiswal
 2. Uma Shankar Jaiswal
 3. Jai Prakash Jaiswal, All are sons of Late Parmanand Prasad @ Parmanand Sah and residents of Village and P.S.- Barharia, District- Siwan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anjani Kumar Sinha No-1
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-09-2018

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 07.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in A.B.P. No.1200 of 2018, arising out of S.C./S.T. Siwan Police Station Case No.12 of 2018 registered under Sections 341, 323, 379, 427, 504 and 506 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.



A dispute regarding encroachment of land is going on between the parties and a case for measurement and demarcation is also there, which would be evident from *Annexure 2*.

In the aforesaid background, allegation is of commission of abuse and assault as well as theft. The allegation is general and omnibus. The appellants have stated on oath that they have got no criminal antecedent.

Considering the aforesaid facts, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

