

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3775 of 2018**

Arising Out of PS. Case No.-23 Year-2018 Thana- NADI P.S. District- Bhagalpur

- 
1. Ambika Devi, Wife of Late Mishri Lal Mishra,
  2. Nageshwar Thakur, Son of Late Mahendra Thakur,
  3. Ganesh Mishra, Son of Late Tuntun Mishra, All are resident of Village Lokmanpur, P.S.- Nadijhana, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. Sadanand Paswan

---

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 13-12-2018**

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 05.09.2018 in A.B.P. No. 2138 of 2018 passed by the learned 3<sup>rd</sup> Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhagalpur in connection with Naugachia Nadi Thana P.S. Case No. 23 of 2018 registered under Sections 448, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

Both sides are neighbours. For dispute relating to erecting wall, there is allegation of commission of abuse and assault. Offences of the Indian Penal Code are bailable. Appellants



have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid fact, 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 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 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    | 14.12.2018 |
| Transmission Date | 14.12.2018 |

