

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1191 of 2016

Arising Out of PS.Case No. -3326 Year- 2015 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

- =====
1. Kamlesh Jha, Son of Late Abhinandan Jha
 2. Rahul Kumar @ Rahul Kumar Jha, Son of Kamlesh Jha

Both resident of Village – Chainpur, P.S. Bangaon, District Saharsa

3. Moti Rai, Son of Late Jageshwar Rai
4. Raman Kumar Rai, Son of Moti Rai
5. Suman Kumar Rai, S/o Moti Rai
6. Heera Rai, S/o Late Jageshwar Rai
7. Madan Kumar Rai, S/o Heera Rai

All resident of village Balhi, P.S. Bakhatiyarpur, District Saharsa

.... Appellant/s

Versus

1. State of Bihar
2. Kanti Devi, W/o Sahdeo Ram, Resident of village Balhi, P.S. Bakhatiyarpur
(O.P. Balwahat), District Saharsa

.... 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: 10-05-2018

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 by the learned Chief Judicial Magistrate, Saharsa in Complaint Case No. 3326 of 2015 registered under Sections 144, 147, 149, 323, 342, 354, 379, 427, 504/34 of the



Indian Penal Code as well as Section 3(1)(x) of the SC/ST Act.

Complaint based allegation is that the appellants were plucking the mango from the tree which was standing on the settled land in favour of the complainant. When the complainant forbade, appellant no. 1 Kamlesh Jha abused by taking caste name and thereafter others committed assault.

Appellant no. 1 Kamlesh Jha is accused in five other criminal cases.

Considering the nature of allegation and criminal antecedent of appellant no. 1 Kamlesh Jha, I am not inclined to enlarge him on anticipatory bail.

Hence, prayer of the appellant no. 1 Kamlesh Jha for anticipatory bail is refused.

Learned counsel for the appellants has produced through supplementary affidavit a copy of Register-II to substantiate that in fact the land is recorded in the name of Abhinandan Jha father of appellant no. 1 Kamlesh Jha and the complainant has deliberately suppressed in the complaint petition the identity of the land to put wrongful claim.

Considering the aforesaid material appellant nos. 2, 3, 4, 5, 6 and 7, namely, Rahul Kumar @ Rahul Kumar Jha, Moti Rai, Raman Kumar Rai, Suman Kumar Rai, Heera Rai and Madan Kumar Rai, are directed to



be released on anticipatory bail, 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, 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 appellant nos. 2, 3, 4, 5, 6 and 7 shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant nos. 2, 3, 4, 5, 6 and 7.

Accordingly, this appeal partly allowed and partly dismissed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	14.05.2018
Transmission Date	14.05.2018

