

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.168 of 2017

In
Criminal Miscellaneous No.52596 of 2016

Arising Out of PS. Case No.-255 Year-2016 Thana- WAJIRGANJ District- Gaya

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1. Ramashish Yadav, Son of Ram Sharan Yadav
 2. Vinay Yadav @ Vinesh Yadav, Son of Ram Sharan Yadav. All Residents of Village- Kenar Paharpur, P.S.- Wazirganj, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-08-2018

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 08.11.2016 passed by the learned Exclusive Special Court (Special Judge) S.C./S.T., Gaya in Wazirganj Police Station Case No.255 of 2016 registered under Sections 147, 148, 149, 341, 323, 427, 504, 506 of the Indian Penal Code and Section 3 (i) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The F.I.R. referred plot was purchased by the father of the appellants through registered sale deed dated 01.04.2015 from *Manorama Devi, vide Annexure-3*. The present F.I.R. would reveal



that the informant claims the same land to be his *Raiyati* land. Apparently, there is bona fide claim of the appellants on the said land, as such a bona fide land dispute is between the parties and for that land the appellants allegedly committed abuse and assault against the informant and others.

Considering the background and nature of allegation, 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	

