

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2770 of 2018**

Arising Out of PS.Case No. -371 Year- 2018 Thana -MOTIPUR District- MUZAFFARPUR

- =====
1. Vijay Choudhary, S/o Late Chatur Choudhary
  2. Ram Pravesh Pandit, S/o Bahadur Pandit, Both resident of Village Kodarkatta, P.S. Motipur, District- Muzaffarpur.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Brajesh Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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

**ORAL JUDGMENT**

**Date: 20-08-2018**

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 against the refusal of prayer for bail vide order dated 23.06.2018 passed by the learned 11<sup>th</sup> Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Muzaffarpur, in connection with Motipur Police Station Case No.371 of 2018, registered under Sections 147/148/149/341/323/324/307/504/506/379/427 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is bona fide land dispute between the parties. The



appellants claim the same as their ancestral land and the informant claims the same land as purchaser of the same. Allegation is of commission of abuse and assault by taking caste name as well as attempt to outrage the modesty of the female members of the family of the informant. The appellants have stated on oath that they have got no criminal antecedent. They are in custody since 13.06.2018.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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, with 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.

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

**(Birendra Kumar, J)**

Mkr./-

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