

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2974 of 2018

Arising Out of PS. Case No.-5 Year-2017 Thana- SC/ST District- East Champaran

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1. Surin Rai @ Surendra Rai Son of Late Ramsurat Rai
 2. Srikant Rai Son of Surin Rai @ Surendra Rai
 3. Om Prakash Rai Son of Surin Rai @ Surendra Rai
 4. Deepak Kumar Son of Surin Rai @ Surendra Rai
 5. Ganga Devi W/o Surin Rai @ Surendra Rai, All residents of Village - Jhakhra, P.S. Pipra Kothi, District - East Champaran, Motihari.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar

For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 (A) 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 13.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in A.B.P. No.1190 of 2018, arising out of SC/ST Motihari Police Station Case No.05 of 2017 registered under Sections 341, 323, 354(B), 379, 504/34 of the Indian Penal Code and Section 27 of the Arms Act as well as Sections 3 (1) (d) (r)



(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Submission of the learned counsel for the appellants is that there is land dispute between the parties and the appellants have got no criminal antecedent. The allegation is general and omnibus of commission of abuse and assault. Complaint Case No.125 of 2017 was lodged by appellant No.1, *Surin Rai @ Surendra Rai* against the husband of the informant along with informant and others.

Considering the background of allegation and the statement of the appellants on oath that they have got no criminal antecedent, 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	

