

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3729 of 2018

Arising Out of PS. Case No.-161 Year-2017 Thana- LAUKAHI District- Madhubani

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1. Bihari Mukhiya, S/o Late Sakhi Mukhiya,
 2. Jhabari Devi, W/o Bihari Mukhiya,
 3. Krishna Kumar Mukhiya, S/o Bihari Mukhiya, All R/o Village-Bairiyahi, P.S.- Laukahi, District- Madhubani.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 09.08.2018 passed by the learned Additional Sessions Judge-I, Madhubani, in A.B.P. No. 903 of 2018, in connection with Laukahi Police Station Case No.161 of 2017, registered under Sections 341/323/307/324/354B/504/34 of the Indian Penal Code and Sections 3(1)(x)/3(2)(ra) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation is that the appellants allegedly abused



and assaulted to the informant alleging that informant was fishing out from the pond taken on settlement by the appellant. The appellant has produced a receipt at Annexure-4 to substantiate that the said pond was settled for one year in favour of the appellants from July, 2012 to 30th of June, 2013 whereas the occurrence took place on 23.07.2017. Apparently, there is no document of settlement in favour of the appellants on 23.07.2017.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to the appellants. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the appellants, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

Accordingly, the appeal stands dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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