

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3496 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- RASULPUR District- Saran

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1. Arun Kumar Singh, son of Manan Singh
 2. Lalbabu Singh, son of Late Munshi Singh
 3. Rajnish Singh, son of Lal Babu Singh
 4. Ranjeet Singh, son of Lal Babu Singh
 5. Nagendra Singh, son of Late Jagdish Singh All resident of Village- Laubari, Police Station- Rasulpur, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radhe Shyam, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 anticipatory bail vide order dated 03.08.2018 passed by the learned Additional Sessions Judge-1st, Chapra at Saran, in A.B.P. No. 2125 of 2018, arising out of Rasulpur P.S. Case No.44 of 2018, registered under Sections 341/323/447/ 307 /354B / 504/34 of the Indian Penal Code and Section 3(2)v(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



For land dispute there is specific allegation against the appellant Arun Kumar Singh to have assaulted with Dab, a sharp cutting weapon, causing injury at the head of the informant.

Submission is that the doctor has found simple injury and there is no allegation of repetition of blow.

Considering the fact that appellant Arun Kumar Singh had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, his prayer for anticipatory bail is refused. However, in the event of surrender of the appellant, the prayer for regular bail shall be disposed of without being prejudiced by the order of this Court.

Other appellants, namely, Lalbabu Singh, Rajnish Singh, Ranjeet Singh and Nagendra Singh, are directed to be released on anticipatory bail for the reason that the allegation against them is general and omnibus for land dispute and they have stated on oath that they have got no criminal antecedent, 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/- (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 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 the appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

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