

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1193 of 2018

Arising Out of PS.Case No. -394 Year- 2017 Thana -SUGAULI District- EASTCHAMPARAN
(MOTIHARI)

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1. Rajdeo Singh, Son of Yogi Singh
2. Munna Kumar, Son of Late Satyanarayan Prasad,
3. Ganga Kr. Singh @ Ganga Singh @ Gangu Kumar Singh, Son of Late Ram Prasad Singh, All are Resident of Mai Asthan Sugauli, P.S.- Sugauli, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Srivastava, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the parties.

Appellant No.2-Munna Kumar has already been arrested in this case. Hence, his prayer for anticipatory bail is infructuous.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.03.2018 passed in A.B.P.No.443 of 2018 by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, East Champaran in connection with Sugauli P.S.Case No. 394 of 2017 registered under Sections



341,323,379,354(B),504,34 of the Indian Penal Code and Sections 3(l)(r) of the Scheduled Castes and Scheduled Tribes Act.

Land dispute is the background of allegation in the FIR. The appellants have produced registered sale deeds, whereby the appellant Nos. 1 and 2 had purchased a land from the agnate of the husband of the informant. There is case and counter case between the parties. Allegation is of commission of abuse and assault as well as attempt to outrage the modesty.

Considering the background of the allegation which has been suppressed in the FIR and statement of the appellants on oath that they have got no criminal antecedent, let the appellant Nos.1 and 3, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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