

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1191 of 2018

Arising Out of PS.Case No. -51 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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1. Santlal Sah, S/o Late Bhikari Sah, Resident of Village- Mustafapur, P.S.-
Ahiyapur, District- Muzaffarpur. Appellant/s

Versus

1. The State of Bihar.
2. Sunita Devi, W/o Amod Ram, Resident of Village- Mustafapur, P.S.- Ahiyapur,
District- Muzaffarpur. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sangeet Deokuliar, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-07-2018

Heard learned counsel for the parties.

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 12.03.2018 by the learned 10th Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Ahiyapur P.S.Case No. 51 of 2017 registered under Sections 436,428,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(g) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the informant had constructed a Hut at the land of the appellant, as the appellant had promised to sell the same for Rs.1,46,000/-. However, no agreement paper was there with the informant, for the reason that the same got burnt in the occurrence of fire in the said Hut caused by the appellant.



Learned counsel for the informant opposed the prayer for anticipatory bail.

However, could not substantiate the plausible circumstance under which Hut of the informant was there at the land of the appellant.

Hence, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2018
Transmission Date	12.07.2018

