

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1227 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -NATWAR District- SASARAM (ROHTAS)

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1. Ramashankar Pandey,
2. Dhananjay Pandey, Both Sons of Omkar Nath Pandey,
3. Omkar Nath Pandey @ Onkar Nath Pandey S/o Haribansh Pandey, All R/o Vill.-
Maudihara, P.S.- Natwar, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sadanand Roy

For the Respondent/s : Smt. Usha Kumari No. 1, SPP 247

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with Natwar P.S. Case No. 52/2017 registered under Sections 447, 341, 323, 504, 506 and 354/34 of the Indian Penal Code as well as Sections 3(i)(g)(r) of the SC/ST Act.

For land dispute, the appellants allegedly committed abuse and assault. The background of the allegation does not show that the appellants were intending to humiliate a member of SC/ST



and chances of *malafide* prosecution cannot be ruled out.

Considering the aforesaid facts, 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 bond 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 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 and 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 stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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