

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.618 of 2018

Arising Out of PS.Case No. -34 Year- 2014 Thana -SC/ST District- SARAN

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1. Umesh Rai,
2. Shambhu Rai @ Sambhu Rai,
3. Birbal Rai All Sons of Ramnath Rai,
4. Ramnath Rai S/o Late Mana Rai, All are R/o Village- Salempur, P.S.- Panapur,
District- Saran.

.... Appellant/s

Versus

1. The State of Bihar.
2. Ramgadhi Baitha, S/o Late Raghubir Baitha, R/o Village- Basahiya, P.S.-
Panapur, District- Saran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-05-2018

Prayer for anticipatory bail of appellant-Umesh Rai,
appellant-Shambhu Rai @ Sambhu Rai and appellant-Ramnath
Rai is infructuous now as they have already been arrested in
this case.

Heard learned counsel for the parties on the prayer
of appellant-Birbal Rai for anticipatory bail.

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 the learned 1st Addl. Sessions Judge, Saran at Chapra in
connection with Saran SC/ST P.S.Case No. 34 of 2014



registered under Sections 341,323,504/34 of the Indian Penal Code as well as under Sections 3 (i)(iv)(v) of the Scheduled Castes and Scheduled Tribes Act.

The fact of this case is that the appellant is purchaser from one of the co-sharer and the complainant is purchaser from another co-sharer. Dispute is regarding extent of area of the property transferred and as such there is bonafide dispute of land between the parties.

In the aforesaid background, allegation of commission of abuse and assault is apparently a case of malafide prosecution for the purpose of consideration of prayer for anticipatory bail.

Hence, let the appellant-Birbal Rai, 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 as well as condition that 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.



The impugned order is accordingly set aside and this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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