

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1511 of 2018

Arising Out of PS. Case No.-216 Year-2016 Thana- DULHIN BAZAR District- Patna

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1. Chandradeo Yadav, Son of Late Jaikishun Yadav
 2. Ramanuj Yadav, Son of Late Mallu Yadav, Both resident of Village- Rikhi Tola, P.S.- Dulhin Bazar, Dist.- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudish Kumar

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.03.2018 passed by the learned Special Judge S.C./S.T. Act-cum-Additional Sessions Judge-V, Patna in A.B.P. No.1059 of 2018, arising out of Dulhin Bazar Police Station Case No.216 of 2016 registered under Sections 147, 148, 341, 323, 354(B), 427, 504 of the Indian Penal Code and Sections 3 (1)(r), 3 (1)(w), 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The Sub-Divisional Police Officer, Paliganj is present in the Court. His explanation for non-submission of case diary within time in pursuance of earlier order is accepted.

Submission of the learned counsel for the appellants is that the disputed land was purchased by named accused persons through registered sale deed dated 04.11.2015 at *Annexure 2*.

The F.I.R. would reveal that occurrence of assault was committed for dispute relating to orchard, which the informant claims.

Learned counsel for the State opposed the prayer for anticipatory bail on the ground that other eyewitnesses have also supported the allegation of the F.I.R. as well as statement of witnesses disclose commission of offence under the provisions of S.C. & S.T. Act.

Considering the background of allegation and suppression of identity of the land by the informant in the F.I.R., chances of mala fide prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, 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 bonds 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

