

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1341 of 2018

Arising Out of PS.Case No. -522 Year- 2017 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Uday Yadav @ Uday Kumar, Son of Suresh Yadav, Resident of Nemdarganj, Police Station- Akbarpur, District- Nawadah.
 2. Mukesh Yadav @ Mukesh Kumar, son of Ashok Prasad, Resident of Village- Nemdaganj, Police Station- Akbarpur, District- Nawadah.
 3. Radha Raman Murari, Son of Ram Krishna Prasad, Resident of Village- Mazidpur, Police Station- Manpur, District- Nawadah.

.... Appellant/s

Versus

1. The State of Bihar.
2. Bibha Kumari, Wife of Surendra Chaudhary, Resident of Village-Nedarganj, Police Station- Akbarpur, District-Nawadah.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.Arun Kumar, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-07-2018

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 04.04.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in connection with Complaint Case No. 522 of 2017 registered under Sections 323,504 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that an enquiry was pending between the parties in the matter of encroachment and claim over the



land which would be evident from Annexure-4. In that background, allegation is of commission of abuse and assault Further submission is that only family members have supported during enquiry under Section 202 Cr.P.C.

Considering the background and nature of allegation, 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 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
Uploading Date	04.07.2018
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