

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1366 of 2018

Arising Out of PS.Case No. -223 Year- 2017 Thana -SISWAN District- SIWAN

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1. Mithlesh Kumar Bharti @ Mithlesh Bharti, Son of Dhanlal Bharti,
2. Dinesh Kumar @ Dinesh Bharti, Son of Birendra Bharti,
3. Dhanlal Bharti, Son of Late Vidya Bharti,
4. Shashi Bhushan Bharti, Son of Gauri Charan Bharti,
5. Birendra Bharti, Son of Late Vidya Bharti,
6. Kedar Bharti, Son of Late Vidya Bharti,
7. Vidya Kumar Bharti @ Vijay Bharti, Son of Gauri Charan Bharti, All
resident of Village- Bhadaur, P.S.- Siswan, District- Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 14-05-2018

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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** by the learned Special Judge (S.C./S.T.), Siwan P.S. Case No. 223 of 2017 registered under Sections 147, 447, 341, 323, 324, 325 and 308 of the Indian Penal Code as well as Section 3(i) (R)/3(2)(Va) of the SC/ST Act.

Submission is that there is land dispute between the parties. Vide annexure-3, possession on the aforesaid land was found against the informant of this case by the competent court.



Thereafter, the present FIR has been lodged with allegation of commission of abuse and assault by taking caste name.

Considering the background of allegation 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 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 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, this appeal stands allowed.

(Birendra Kumar, J)

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