

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1934 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -SONBERSA District- SAHARSA

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1. Binod Kumar Mistry @ Binod Mistry S/o Krishna Kumar Mistry, R/o Vill.-
Dehad Ward No. 6, P.S.- Sonbarsa Raj , District- Saharsa..... Appellant/s
Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 08.05.2018 in A.B.P. No.270 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Incharge, Saharsa in connection with Sonbarsa Raj P.S.Case No. 40 of 2018 registered under Sections 341, 323, 324, 325, 504, 506, 34 of the Indian Penal Code as well as under Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

There is bonafide land dispute between the parties which would be evident from the annexures enclosed with the supplementary affidavit. The FIR also reveals that for land dispute, the appellant allegedly committed abuse and assault.

Submission of the learned counsel for the appellant is that the competent authority had already ordered for



settlement of the FIR referred land in favour of full brother of the appellant vide Annexure-6 on 06.01.2014 itself, whereas the date of occurrence is alleged on 06.03.2018.

Considering the background and nature of allegation, let the appellant, above named, 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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