

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2854 of 2018

Arising Out of PS.Case No. -51 Year- 2016 Thana -SC/ST District- JAMUI

- =====
1. Ganesh Mandal, Son of Naresh Mandal, Resident of Village - Mangobandar,
P.S. - Khaira, District - Jamui

.... Appellant/s

Versus

1. The State of Bihar
2. Kanti Devi, Wife of Sanjit Paswan, Resident of Village - Mahuligarh, P.S. -
Khaira, District - Jamui

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-09-2018

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 23.02.2018 in A.B.A. No. 1111 of 2017 passed by the learned 1st Additional Sessions Judge, Jamui in connection with Jamui SC/ST P.S. Case No. 51 of 2016 registered under Sections 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(x)(iv)(v) of the SC/ST Act.

The police has not sent up the appellant for trial.

Submission is that for land dispute, the allegations of the offences of the Indian Penal Code are bailable.

Learned Special Public Prosecutor opposed the prayer



for bail.

Considering the aforesaid facts, 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 bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) 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 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	11.09.2018
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