

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1830 of 2018

Arising Out of PS.Case No. -32 Year- 2018 Thana -PATORI District- SAMASTIPUR

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1. Yogendra Chaudhary
2. Gajendra Chaudhary Both sons of Late Ramkaran Chaudhary
3. Om Prakash Chaudhary S/o Yogendra Chaudhary All residents of Village -
Shahpur Undi, P.S. - Patori, District - Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 26.04.2018 in A.B.P. No.635 of 2018 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Patori P.S.Case No. 32 of 2018 registered under Sections 341,323,324,354A,379,504,506/34 of the Indian Penal Code and Sections 3(1)(R)(S)(X) of the Scheduled Castes and Scheduled Tribes Act.

The appellants are purchaser of the land through registered sale deed, a copy at Annexure-4 and for that very



land, there is dispute between the parties. There is case and counter case. General and omnibus allegation is there of commission of abuse and assault.

Submission is that the informant has deliberately suppressed the identity of the land and land dispute between the parties. The background would not suggest that the appellants were intending to humiliate a member of the scheduled caste. Moreover, one of the appellants is an advocate, practising at Patori Sub Divisional Court and none of the appellants have got any criminal antecedent.

Considering the aforesaid fact, 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
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