

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2318 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -GOH District- AURANGABAD

- =====
1. Doman Yadav, S/o Ramashish Yadav,
 2. Ganauri Yadav S/o Balroop Yadav,
 3. Anil @ Gora Yadav S/o Doman Yadav,
 4. Arvind Yadav S/o Doman Yadav, All R/o Vill.- Nima, P.S.- Goh, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 15.05.2018 passed by the learned Special Judge (S.C./S.T. Act), Aurangabad, in connection with Goh Police Station Case No.100 of 2017, registered under Sections 341/323/504/506/420/34 of the Indian Penal Code and Sections 3(i)(r)/3(1)(s)/3(1)(g)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The land dispute is reason for the occurrence alleged for different provisions of the Indian Penal Code, which are bailable.

Submission of the learned counsel for the appellants is that the FIR referred plot No.169 was gifted by Mostt. Ajholwan Kunwar



to Ranjit Paswan, the son of Basudeo Paswan in the year 1993 itself. Thereafter, in the year, 2016, the appellants also purchased the land. Other co-accused have been allowed anticipatory bail by this Court in Cr. Misc. No.1972 of 2018.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the bona fide claim of the appellants on the dispute land as well as considering the nature of allegation under the Indian Penal Code, 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/- (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/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 the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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