

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2486 of 2018**

Arising Out of PS.Case No. -188 Year- 2017 Thana -BARBIGHA District- SEKHPURA

- =====
1. Nitish Kumar, Son of Maulvi Yadav,
  2. Ranjeet Kumar, Son of Dhamni Yadav,
  3. Chando Yadav, Son of Late Dukjhi Yadav @ late Dukhi Yadav
  4. Mushan Yadav @ Musan Yadav @ Saryug Yadav, S/o. late Budhu Yadav @ late Badhu Yadav,
  5. Balla Yadav, Son of Dhamni Yadav,
  6. Dhamni Yadav, Son of Mushan Yadav @ Musan Yadav @ Saryug Yadav,
  7. Doman Yadav, Son of Late Durgi Yadav,
  8. Subodh Kumar, Son of Krishna Yadav, All residents of Village- Nashratpur, Police Station- Barbigha, District- Sheikhpura.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bipin Kumar, Advocate

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

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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 against the refusal of prayer for anticipatory bail vide order dated 25.06.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Sheikhpura, in A.B.P. No.342 of 2018, arising out of Barbigha Police Station Case No.188 of 2017, registered under Sections 447/147/341/323/504/506/307 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989.

There is case and counter case between the parties. The occurrence of assault took place for the reason that buffalo of the appellant had entered into the field of the informant and damaged the crop. Specific allegation of commission of assault is against appellant Nitish Kumar.

**Hence, I am not inclined to enlarge Nitish Kumar on anticipatory bail. Accordingly, his appeal against the refusal of prayer for anticipatory bail stands dismissed.**

General and omnibus allegation is there against other appellants, who came in the subsequent part of occurrence and committed abuse and assault. Identical allegation is in the counter case.

Considering the aforesaid facts, let the other 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 appeal is partly allowed and partly dismissed.

**(Birendra Kumar, J)**

Mkr./-

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