

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2398 of 2018

Arising Out of PS.Case No. -94 Year- 2018 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Md. Esha Pratab @ Esha Fartab @ Md. Esha Fartab, S/o Late Md. Musha.
 2. Sk. Kamran @ Md. Kamran Akhtar, S/o Md. Esha Pratab @ Esha Fartab @ Md. Esha Fartab.
 3. Sk. Raja @ Md. Raiyan S/o Md. Esha Pratab @ Esha Fartab @ Md. Esha Fartab, All Residents of Vill.- Khorwah, P.S.- Mufassil, District- Katihar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Mishra, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

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 05.06.2018 in A.B.P. No.31 of 2018 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, Katihar in connection with Mufasil (Katihar) P.S.Case No. 94 of 2018 registered under Sections 447, 341, 323, 324, 307, 379, 427/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

There is land dispute between the parties to the extent that a co-sharer of the appellants sold the land of the



appellants in favour of the informant. In the aforesaid background, allegation is of commission of assault and theft. There is case and counter case also. Allegation is general and omnibus.

Considering the aforesaid facts, 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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