

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2965 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -SC/ST District- SEKHPURA

- =====
1. Shabbir Mohamood @ Shabir Husain
 2. Shahid Mohamood, Both Sons of Late Mohamood Zafar, Resident of Village - Chewara, P.S. Chewara, District - Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar

.... 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: 31-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 16.07.2018 in A.B.P. No. 402 of 2018 passed by the learned 1st Additional Sessions Judge, Sheikhpura in connection with SC/ST Case No. 235 of 2017 arising out of Sheikhpura SC/ST P.S. Case No. 31 of 2017 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(2)(v)(a), 3(r)(s) of the SC/ST Act.

The informant purchased one decimal of land from father of the appellant, however, had taken possession on more area which would be evident from the report of the Anchal Amin at Annexure-2.

Allegation is that when the informant was constructing



his house, the appellants abused by taking caste name and committed theft of cash.

Learned counsel for the informant opposed the prayer for bail.

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 bail on furnishing bail bonds of Rs.20,000/- (rupees 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 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	04.09.2018
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