

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

**Criminal Appeal (SJ) No.2945 of 2018**

Arising Out of PS.Case No. -4 Year- 2018 Thana -SC/ST District- SIWAN

- =====
1. Sekh Afjal @ Afjal Sekh, son of Anwar Sekh
  2. Irfan Khan @ Irfan, son of Babu Khan
  3. Golu Khan, son of Niyaz Khan
  4. Sekh Samsir @ Samsir Sekh, son of Munna Sekh, All 1 to 4 are resident of Village- Khairati Dlip, P.S. Darauli, District- Siwan.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate

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

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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 against the refusal of prayer for anticipatory bail vide order dated 21.07.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge, Siwan, in A.B.P. No.990 of 2018, arising out of SC/ST Police Station Case No.4 of 2018, registered under Sections 341/323/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(z) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The offences of the Indian Penal Code alleged against the appellants are bailable. The appellants have stated on oath that they



have got no criminal antecedent. Land dispute is the reason for the occurrence alleged in the FIR.

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/- (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./-

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| AFR/NAFR          | NAFR       |
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