

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2862 of 2018

Arising Out of PS. Case No.-241 Year-2018 Thana- MANER District- Patna

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1. Umesh Ray, Son of Lallo Ray,
 2. Yodhan Ray,
 3. Bigan Ray, Both sons of Late Mannu Ray,
 4. Chandev Ray,
 5. Kariman Ray, Both sons of Musafir Ray,
 6. Ajeet Ray, Son of Chancy Roy,
 7. Bhuwar Ray @ Bhuneshwar Ray, Son of Late Mannu Ray,
 8. Shankar Ray @ Hari Shankar Kumar @ Harishankar Ray Son of late Bhola Ray
 9. Deepak Kumar @ Deepak Ray @ Laloo Son of Kariman Ray
 10. Nitesh Kumar @ Jyotish Kumar Son of Bhuwar Ray @ Bhuneshwar Ray
 11. Biteshwar Ray Son of Rajendra Ray, All Resident of Village-Bhikha Bandh, P.S. Maner, District- Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 25.06.2018 passed by the learned Special Judge SC/ST Act-cum-Additional Sessions Judge-V, Patna in A.B.P. No.4381 of 2018, arising out of Maner Police Station Case No. 241 of 2018



registered under Sections 147, 341, 323, 354, 379, 504, 506/34 of the Indian Penal Code and Sections 3 (I) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Land dispute is background of the allegation. The offences of the Indian Penal Code alleged against the appellants are general and omnibus and mostly bailable. The impugned order reveals that prayer has been refused only on the ground that prayer for anticipatory bail is not maintainable.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out. Hence, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.



Accordingly, the impugned order is set aside and this
appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

