

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3266 of 2018

Arising Out of PS. Case No.-24 Year-2015 Thana- KHUDWA District- Aurangabad

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1. Pintu Singh, Son of Kauleshwar Singh,
 2. Tinku Singh, Son of Kauleshwar Singh,
 3. Nitish Kumar @ Nithish Kumar, Son of Pintu Singh, All resident of Village- Mokhtarpur (Mokhatiyarapur), Police Station- Khudma, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamendra Pd. Singh, Advocate
For the Respondent/s : Mr. Sri Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

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 13.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Aurangabad, in connection with Khudwan Police Station Case No.24 of 2015, registered under Sections 341/323/324/379/504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Submission of the learned counsel for the appellants is that in fact informant was Bataidar on the land of the appellants. However, when the appellants took back the land of Bataidar for giving it to some other person, false case has been lodged just to pressurize.

The allegation is general and omnibus of commission of abuse and assault. The appellants have got no criminal antecedent.

Learned counsel for the State submits that other witnesses have also submitted the allegation of commission of abuse and assault.

Considering the background and nature of allegation, 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./-

AFR/NAFR	NAFR
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