

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3542 of 2018

Arising Out of PS. Case No.-59 Year-2017 Thana- BAHERI District- Darbhanga

Nunu Kant Jha @ Nunu Jha Son of Ram Babu Jha, resident of Village-
Mahuli, Police Station- Baheri, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ganesh Chandra Thakur, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-12-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by order dated 03.08.2018 in A.B.P.No.806 of 2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga in connection with Baheri P.S. Case No. 59 of 2017 registered under Sections 147, 148, 149, 341, 323, 379, 427, 440, 452, 449, 354, 354(B) of the Indian Penal Code as well as under Section 3 (i)(g)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

According to the FIR, the informant claims to have advanced money, 30 years back, to Sahdeo Jha and



Sufal Jha for purchase of 5 katha of land and Sahdeo Jha handed over the possession of the said land. Thereafter, 31 FIR named accused person including the appellant came and demanded ransom from the informant and committed assault and abuse.

Submission is that the allegation is general and omnibus as well as false with malafide intention to put claim on the land of appellant without any valid document of transfer of the same in favour of the informant.

Considering the background and nature of allegation which is general and omnibus, let the appellant, above named, in the event of his 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) 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 further the appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2018
Transmission Date	10.12.2018

