

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1972 of 2018

Arising Out of PS. Case No.-100 Year-2017 Thana- GOH District- Aurangabad

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1. Uma Shankar Yadav son of Late Chatri Yadav
 2. Raj Kumar Yadav son of Uma Shankar Yadav
 3. Sheo Yadav son of Uma Shankar Yadav
 4. Vijay Yadav son of Late Chatri Yadav, All resident of Village-Nima, P.S.- Goh, District- Aurangabad (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjit Kumar
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-07-2018

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 15.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, (SC/ST) Act, Aurangabad in Goh Police Station Case No.100 of 2017, corresponding to G.R. Case No.262 of 2017 registered under Sections 341, 323, 354, 504, 506, 420/34 of the Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



The land dispute is reason for the occurrence alleged for different provisions of the Indian Penal Code, which are bailable.

Submission of the learned counsel for the appellants is that the F.I.R. referred Plot No.169 was gifted by *Mostt. Ajholwan Kunwar* to *Ranjit Paswan*, the son of *Basudeo Paswan* in the year 1993 itself. Thereafter, in the year, 2016, appellant No.1, *Uma Shankar Yadav* purchased the aforesaid plot from *Ranjit Paswan* through registered sale deed vide *Annexure- 2* and *3*, respectively.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the bona fide claim of the appellants on the disputed land as well as considering the nature of allegation under the Indian Penal Code, 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 the appeal is allowed.

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

