

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3178 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -SC/ST District- GAYA

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1. Ashok Yadav, Son of Shio Nandan Yadav @ Shiv Nandan Yadav
 2. Satyendra Yadav @ Satendra Yadav, Son of Shio Nandan Yadav @ Shiv Nandan Yadav,
 3. Lalu Kumar @ Lalu Yadav, Son of Kailash Yadav,
 4. Anuj Kumar, Son of Krishna Yadav, All resident of Village - Mahua Bigha Dirama, P.S. - Cherki, District - Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 13.07.2018 in A.B.P. No. 155 of 2018 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Gaya SC/ST P.S. Case No. 01 of 2018 registered under Sections 420, 467, 468, 471, 120B, 323, 384 of the Indian Penal Code as well as Sections 3(1)(c)(f)(g) of the SC/ST Act.

The appellants had purchased a land from Basant Das.



The land was recorded in the revisional survey Khatiyani in the name of ancestor of the complainant. When the complainant showed his document to Basant Das, Basant Das realized that he had wrongly executed a sale deed. Later on, Basant Das informed that he was kept in dark by the accused persons.

Submission is that the appellants are bona fide purchaser for consideration. If they have paid money to a non-title holder, they would face the civil consequences and no criminal liabilities is made out on the basis of aforesaid allegation.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the fact, 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 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 as well as condition



that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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