

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3305 of 2018

Arising Out of PS.Case No. -69 Year- 2018 Thana -BAHERI District- DARBHANGA

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1. Md. Naushad son of Md.Ali Hassain.
 2. Md. Madasi Son of Md.Ali Hassan.
 3. Md. Phul Hassan Son of Md. Taslim.
 4. Md.Sadam Son of Md.Phool Hasan.
 5. Md. Samim Son of Md. Noor Hasan.
 6. Md. Naseem Son of Md.Noor Hasan.
 7. Md. Jasim Son of Md. Noor Hasan

All are resident of village-Motgah, Police Station- Baheri and District-Darbhanga.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Girish Chandra Jha, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 03.08.2018 in A.B.P. No.1051 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Darbhanga in connection with Baheri P.S.Case No. 69 of 2018 registered under Sections 147,149,323 and 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Both sides are neighbours. There is case and counter case. The case lodged by the appellants' side would reveal that since dirty water of the house of the informant of this case was



flowing on the land of the appellants. The occurrence alleged, of assault and theft was committed. Identical allegation is here in the present FIR. Appellants have stated on oath that they have got no criminal antecedent.

Considering the aforesaid facts, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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