

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.918 of 2018

Arising Out of PS.Case No. -53 Year- 2017 Thana -SC/ST District- BANKA

- =====
1. Ajay Sah,
 2. Nandu Sah @ Nitya Nand Sah,
 3. Chhatish Sah @ Satish Kr. Sah,
 4. Raj Kumar Sah All S/o Suresh Sah, All R/o Village- Mirjapur, P.S.-
Shambhuganj, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-04-2018 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge 1st , Banka, in Banka SC/ST Police Station Case No.53 of 2017 registered under Sections 447/341/323/435/504/34 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the appellants are Bataidar of Ashwani Jha for that dispute Krishna Devi wife of appellant Nitya Nand Sah had lodged Shambhuganj P.S. Case No.202 of 2017



against the informant of this case, Ashwani Kumar Jha and others and for the same reason the present FIR has been lodged with allegation that the appellants asked the informant not to cultivate the land of Ashwani Kumar Jha as Bataidar and for that reason they abused by taking caste name and burnt the grains.

Considering the background and general and omnibus 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)

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