

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1627 of 2018

Arising Out of PS.Case No. -162 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sheikh Tahir, Son of Sheikh Mostkim @ Mustakim,
 2. Seith Amirul @ Sheikh Amirul Son of Sheikh Gaffar, Both residents of Village- Garhiya, P.S.- Madhuban, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in Madhuban Police Station Case No.162 of 2017 registered under Sections 341/323/427/504/506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is land dispute between the parties, which would be evident from the earlier FIR lodged by the same informant vide Madhuban P.S. Case No.372 of 2015 vide Annexure-2 wherein the informant admitted that the landlord is Sheikh Kadir, the relation of



the appellants.

The present FIR also reveals that the police had put the informant on possession of the same land. However, the appellants forcefully took possession of the same. Nothing has been disclosed in the FIR that under whose authority the police had put the informant on possession of the said land.

Considering the bona fide claim of the appellants, 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)

Mkr./-

AFR/NAFR	NAFR
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