

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1992 of 2018

Arising Out of PS. Case No.-151 Year-2017 Thana- MAINATAND District- West Champaran

1. Hamid Mian, Son of Raheem Mian of Village- Pakuhawa.
2. Ram Ayodhya Patel, Son of Late Luxman Patel, of village- Sinnpur.
3. Rajendra Sah, son of Late Yugraj Sah, resident of village Miana Tand.
4. Krishna Patel, son of Raghunath Patel.
5. Jokhu Mahto, Son of Lochan Mahto, Resident Maintand.
6. Mohan Mahto @ Mohan Chaudhari, Son of Mahendra Chaudhary, resident of Village- Pakuhwa, All of P.S.- Mainatand, District- West Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pritish Kumar Lal

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 09.05.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in A.B.P. No.563 of 2018, arising out of Mainatand Police Station Case No.151 of 2017 registered under Sections 147, 148, 149, 323, 325, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms



Act as well as Section 3(i)(g)/3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.4, *Kishore Patel* has already been arrested in this case, as informed by the learned counsel for the appellants. Hence his prayer for anticipatory bail has become infructuous now.

According to F.I.R., the appellants and others were forcefully ploughing the land of the informant and damaged the crop etc.

Submission of the learned counsel for the appellants is that in fact the informant belongs to Naxal group and they forcibly wanted to grab the land of the appellants. Hence the appellants had filed *Civil Writ Jurisdiction Case No.15657 of 2016* before this Court vide *Annexure-2*, for direction to the State Authorities for protection to the life and property of the appellants and this Court disposed of the matter with necessary direction to submit representation before the District Magistrate concerned.

Considering the aforesaid facts as well as the fact that informant has not come up with a clean hand for the reason that he has not disclosed the identity of the land as well as date of occurrence, hence let the remaining appellants namely, (1)



Hamid Mian, (2) Ram Ayodhya Patel, (3) Rajendra Sah, (5) Jokhu Mahto and (6) Mohan Mahto @ Mohan Chaudhari 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

