

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3219 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -SC/ST District- NAWADA

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1. Bipin Kumar
 2. Bipul Kumar
Both sons of Balram Prasad.
 3. Balram Prasad, Son of Late Sitaram Prasad.
All R/o Village-Muslim Road Nawada, P.S.-Nawada, District-Nawada.
 4. Krishna Prasad, Son of Raghu, R/o Mohalla-Patalpuri, New Area, P.S.-
Nawada, District-Nawada.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pranav Kumar, Adv

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

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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 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 07.08.2018 in A.B.P. No.1317 of 2018/108 of 2018 passed by the learned 1st Addl. Sessions Judge, Nawada in connection with Nawada SC/ST P.S.Case No. 12 of 2018, Special (H) Case No.65 of 2018 registered under Sections 392,394/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Title Suit No.344 of 2017 brought by wife of



appellant No.3-Balram Prasad against Shailendra Kumar and others is pending in the court of learned Sub Judge, Nawada. In the aforesaid background, allegation is that the informant was working at the work site of said Shailendra Kumar, when the appellants came there and committed loot of building materials and cash of Rs.One Lac.

Submission is that informant has been set up by Shailendra Kumar just to pressurize in the land dispute. Appellants have got no criminal antecedent.

Considering the entire facts aforesaid, 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
Uploading Date	10.09.2018
Transmission Date	10.09.2018

