

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3938 of 2018

Arising Out of PS. Case No.-28 Year-2018 Thana- SC/ST District- Lakhisarai

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1. Raja Ram Mahto @ Raja Ram Prasad Singh, Son of Late Saryug Mahto,
 2. Dileep Kumar @ Dilip Kumar @ Anil Kumar Singh, Son of Late Ramanand Mahto, Both Resident of Village - Bakarchak, P.O.- Dighri, P.S. - Suryagarha, District - Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Kumar Pankaj

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 14.09.2018 in A.B.P. No. 524 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 28 of 2018 registered under Sections 147, 149, 323, 389, 386, 387, 504, 353 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The complainant of this case is Ward Member and, as such, authorized to complete the work under the referred



government scheme i.e. construction of PCC Road.

Submission is that the road was being constructed on the land of the appellants without permission or without acquisition of the said land which was protested by the appellants and for that reason, when the authorities issued show cause notice to the complainant as to under what circumstances road is being constructed on the land of the appellants, subsequently, the complaint petition was filed.

Considering the nature of dispute and 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 anticipatory 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court



below.

Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Ravi

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.12.2018
Transmission Date	18.12.2018

