

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4031 of 2018

Arising Out of PS. Case No.-259 Year-2017 Thana- ATRI District- Gaya

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1. Dhuni Yadav @ Dwarika Yadav @ Dhuri Yadav, S/o Late Luteri Yadav,
 2. Sudhir Yadav @ Sudhir Kumar, S/o Dhuni Yadav @ Dwarika Yadav @ Dhuri Yadav
 3. Rajesh Yadav, S/o Dhuni Yadav @ Dwarika Yadav @ Dhuri Yadav, All residents of Maula Nager, Pathri P.S. Atri District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Jitendra Majhi, S/o Sukhdeo Manjhi, Resident of Pathri, P.S.- Atri, District-Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uday Pratap Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 31.08.2018 in A.B.P. No. 193 of 2018 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Atri P.S. Case No. 259 of 2017 registered under Sections 323, 354, 504, 506/34 of the Indian Penal Code as well



as Sections 3(1)(r)(s) of the SC/ST Act.

The complaint based FIR would reveal that complainant claims plot no. 1407, area 60 decimals through settlement by the State Government.

Submission is that the claim of settlement of 60 decimals is completely false and fabricated one. The government settles the land with the members of scheduled caste and scheduled tribes only for the purpose of rehabilitation. Moreover, after investigation, the police did not send up the appellants for trial. However, on protest cognizance has been taken.

Considering the aforesaid facts, 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/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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