

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.925 of 2018

Arising Out of PS.Case No. -74 Year- 2017 Thana -GHANSHYAMPUR District- DARBHANGA

=====

1. Harishchandra Jha S/o Late Kamal Kant Jha @ Kamla Kant Jha, R/o Village-
Lagma, P.S.- Ghanshyampur, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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, against
refusal of the prayer for anticipatory bail by the learned 1st Additional
District & Sessions Judge- cum- Special Judge, SC/ST, Darbhanga in
connection with Ghanshyampur P.S. Case No. 74/2017 registered under
Sections 341, 323 and 504 of the Indian Penal Code as well as Section
3(i)(g)(s) of the SC/ST Act.

According to F.I.R., the appellant was cutting soil from the
land which was settled in favour of the complainant. When the
complainant forbade, the appellant allegedly abused by taking his caste
name and committed assault.

Learned counsel for the appellant submits that Annexure- 2
would reveal that the land was settled in the name of Kamal Kant Jha,



the father of the appellant. The complainant has not produced any supporting paper, rather just to put wrongful claim on the said land, a vexatious litigation has been lodged.

Considering the material available on record, in my view, the appellant deserves anticipatory bail. Hence, let the appellant, above named, in the event of his 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 bond of Rs. 20,000/- (rupees twenty thousand) 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 appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
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