

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1075 of 2018

Arising Out of PS.Case No. -544 Year- 2017 Thana -WAJIRGANJ District- GAYA

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1. Hira Singh S/o Bineshar Singh @ Vindeshwar Singh, R/o Village- Januava, P.S.-
Wazirganj, District- Gaya. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Kumar No.2, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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 the learned Special Judge, SC/ST Act, Gaya in connection with Wazirganj P.S.Case No. 544 of 2017 registered under Sections 341,323,504 and 34 of the Indian Penal Code as well as under Sections 3 (i)(R)(S) of the Scheduled Castes and Scheduled Tribes Act.

There is bonafide land dispute between the parties and bonafide claim of the appellant on the said land vide Annexure-2. Allegation is that the appellant was attempting to forcefully took possession of the said land and for that reason, an occurrence of abuse by taking caste name as well as assault took place.

Submission is of malafide prosecution just to pressurize to grab the land of the appellant.



Considering the aforesaid fact, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 as well as condition that the appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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