

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1482 of 2018

Arising Out of PS.Case No. -368 Year- 2017 Thana -DHAKA District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Feku Ram, Son of Late Nathuni Ram.
 2. Akash Mahto, Son of Ravindra Mahto.
 3. Rajaram Sah, Son of Ram Lalan Sah.
 4. Sajan Sah, Son of Raja Ram Sah, All Resident of Village- Dhaka, Ramchandra,
P.S.- Dhaka, District- East Champaran.

.... 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: 21-08-2018

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 06.04.2018 in A.B.P. No. 473 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 368 of 2017 registered under Sections 147, 149, 447, 427, 323, 504, 379 of the Indian Penal Code as well as Sections 3(1)(g)/3(1)(r) of the SC/ST Act.



Submission is that the informant got settlement order in respect of the land of the appellant no. 1. Subsequently, the same settlement order was cancelled and just to pressurize, the present FIR has been lodged with allegation that the appellants ransacked the house of the informant and committed abuse and assault as well as theft by taking caste name.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of the allegation which has come up during investigation of the case and has been suppressed in the FIR, 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 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 within the territorial jurisdiction of the learned court below.



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

(Birendra Kumar, J)

Kundan/-

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