

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1009 of 2018

Arising Out of PS.Case No. -156 Year- 2016 Thana -JOGBANI District- ARRARIA

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1. Awadhesh Mishra @ Awdhesh Kumar Mishra @ Kanhaya, Son of Bishnukant Mishra,
 2. Pappu Mishra @ Rajesh Mishra, Son of Late Maya Kant Mishra.
 3. Prem Kant Mishra, Son of Late Bhimdeo Mishra.
 4. Lalo Mishra @ Laloo Mishra, Son of Late Madan Mishra.
 5. Amit Mishra, Son of Lalo Mishra.
 6. Piyush Mishra, Son of Pradeep Mishra, All are resident of Village- Bhadeshwar, Police Station- Jogbani, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 26-04-2018

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 against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special SC/ST Case No.249 of 2017, arising out of Jogbani (Bathnaha) Police Station Case No.156 of 2016 registered under Sections 504/34 of the Indian Penal Code and Section 3(i)(ii)/3(i)(iv)/3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



According to FIR, the informant had advanced consideration money for purchase of land from appellant Awadhesh Mishra. Other appellants are relations of Awadhesh Mishra. Allegation is that for non-transfer of land by the appellants, the occurrence of abuse and assault took place. Further allegation is that the appellants damaged the hut of the informant and committed theft.

Submission of the learned counsel for the appellants is that the allegation is general and omnibus and the police has not found any sign of commission of any offence at the time of inspection of place of occurrence and just to pressurize in the land dispute this false case has been lodged.

Considering the background 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 bail on furnishing bail bonds of Rs.20,000/- (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.



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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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