

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1609 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -SC/ST District- GAYA

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1. Brahmdeo Sao, son of Late Gopal Sao
 2. Ram Ayodhya Prasad, son of Late Bishun Mahto
 3. Brajesh Sharma @ Brajesh Kumar Sharma, son of Suresh Mistri All residents of Village- Bela, P.S. Imamganj, District- Gaya.
 4. Raju Sao @ Raj Kumar Gupta, son of Badhan Gupta, resident of Village- Kujesar, P.S. Imamganj, District- Gaya.
 5. Jadu Sao, Son of Vanshi Saw, R/o. Jaleya, Kujisar, P.S. Raniganj, District- Gaya

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 26.03.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in Gaya SC/ST Police Station Case No.50 of 2017 registered, under Sections 147/149/341/323/354/504/506 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is land dispute between the parties, which would be evident from the initiation of a proceeding under Section 107 Cr.P.C. between the parties by the learned Sub-Divisional Judicial Magistrate, Sherghati, by his order dated 25.04.2017. In the aforesaid background allegation is that on 03.09.2017 when the informant was working in his *Khalihan* on his own land, the appellants came variously armed committed assault and abuse by taking caste name.

Submission is that the informant has deliberately suppressed the identity of the land though it is mentioned in the FIR that the said land is a raiyati land of the informant. The factum of land dispute has also been suppressed and mala fide prosecution was lodged just to harass.

Finding substance in the submission aforesaid, 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
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