

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2223 of 2018

Arising Out of PS.Case No. -321 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Asharfi Das, S/o Late Satan Das,
 2. Santosh Das S/o Asharfi Das,
 3. Umesh Sah S/o Ram Bilash Shah,
 4. Upendra Sah S/o Ramuni Sah,
 5. Ajit Sah S/o Upendra Sah, All R/o Vill.- Belkunda, P.S.- Mahua, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Navesh Nandan, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-09-2018

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 07.05.2018 passed by the learned Additional Sessions Judge-I, Vaishali at Hazipur, in A.B.P. No.790 of 2018, arising out of Mahua Police Station Case No.321 of 2016, registered under Sections 341/323/435/504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that land dispute is the background of the present false allegation. By filing a supplementary affidavit, the appellants have produced a copy of the sale-deed in the name of



appellant No.1 Asharfi Das in respect of the disputed land. Further submission is that some of the appellants are members of scheduled caste.

Considering the background and nature of allegation, which is general and omnibus as, well as bona fide claim of the appellants, 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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