

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2506 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

- =====
1. Pappu Yadav son of Jagdish Singh
 2. Kistu Yadav
 3. Roushan Yadav Both sons of Pappu Yadav
 4. Mukesh Kumar Yadav Son of Surendra Gope All residents of Village -
Baikatpur, P.S. - Khusrupur, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Dubey, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

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 29.05.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.3560 of 2018, arising out of Khushrupur Police Station Case No.106 of 2018, registered under Sections 341/323/379/427/504/506 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A civil suit is going on between the parties in the Court of



learned Sub-Judge-I, Patna City, brought by the informant against the appellant Pappu Yadav and others. In the aforesaid background the allegation is that the appellant and others allegedly damaged the boundary wall of the informant and committed abuse and assault as well as theft.

Submission is of false implication to pressurize in the land dispute.

On the other hand, learned counsel for the informant submits that prima facie offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is disclosed and at this stage meticulous appreciation of evidence is not permissible.

Considering the background of the allegation and the statement that the appellants have got no criminal antecedent, in my view, the appellant deserves anticipatory bail. Hence, 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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