

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2868 of 2018

Arising Out of PS.Case No. -139 Year- 2018 Thana -PALIGANJ District- PATNA

- =====
1. Kamat Yadav @ Kamta Yadav, Son of Mohan Yadav.
 2. Satyendra Yadav, Son of Magani Yadav.
 3. Lalu Yadav, Son of Samat Yadav, All are resident of Village - Dariyapur Prem,
P.O. - Masaurha, Police Station - Paliganj, District - Patna.

.... 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: 12-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 07.06.2018 in A.B.P. No. 3933 of 2018 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with Paliganj P.S. Case No. 139 of 2018 registered under Sections 341, 323, 307, 504/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

For the occurrence of the same day i.e. 09.05.2018, two FIRs were lodged. One was lodged by wife of Jhalak Deo Rajbar vide SC/STM P.S. Case No. 22 of 2018 at Annexure-2 alleging



therein that the appellants and others had assaulted to her husband in her presence whereas the present FIR was lodged by full-brother of Jhalak Deo Rajbar alleging therein that at first one Pritvi Yadav assaulted with iron rod causing injury at the head of Jhalak Deo Rajbar and thereafter others allegedly committed assault and abuse.

Submission of the learned counsel for the appellants is that land dispute is reason behind both the false cases wherein concocted statement has been made contradicting statement of each other of the informant of two cases.

Learned Special Public Prosecutor opposed the prayer for bail.

Finding substance in the aforesaid material on the record, in my view, the appellants, who have got no such criminal antecedent, deserve anticipatory bail, accordingly, 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, are directed to 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.
Uploading Date	14.09.2018
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