

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2289 of 2018

Arising Out of PS. Case No.-281 Year-2016 Thana- PURNIA COMPLAINT CASE District-
Purnia

-
1. Damodar Yadav @ Damodal Mandal @ Damodar Mandal, Son of Late Chandi Yadav,
 2. Ashish Kumar, Son of Damodar Yadav @ Damodal Mandal @ Damodar Mandal, Both are resident of Village- Bhatsara, Police Station- Barhara Kothi, District- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Sridhar Paswan, Son of Late Sundar Paswan, resident of Village- Bhatsara, Police Station- Barhara Kothi, District- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar
For the Respondent/s	:	Smt Usha Kumari No-1
For the Complainant	:	Mr. Ram Prawesh Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

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 02.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in Spl. SC/ST Case No.17 of 2016, arising out of Complaint Case No.281 of 2016 filed under Sections 323, 504 of the Indian Penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Title Suit No.346 of 2013 is going on between the parties for land dispute.

In the aforesaid background, complaint based allegation would reveal that the appellants while ploughing their field by a tractor damaged the ridge, which was dividing line of land of the appellants and the complainant and for that reason occurrence of abuse and assault allegedly took place.

Learned counsel for the complainant opposed the prayer for anticipatory bail.

The background of the allegation and the nature of allegation does not show that the appellants were intending to humiliate a member of the schedule caste. Moreover, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of 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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition



that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

