

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2567 of 2018

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

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1. Bhajjo Mahaldar @ Majjo Mahaldar, S/o Late Kamdeo Mahaldar,	
2. Anju Devi W/o Bhajjo Mahaldar, Both Residents of Vill.- Bishwaspur, P.S.-	
Sanhulla, District- Bhagalpur.	 Appellant/s

Versus

1. The State of Bihar	 Respondent/s
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Appearance :

For the Appellant/s : Mr. Indeshwari Prasad Mandal, Adv

For the Respondent/s : Mr. Sadanand Paswan, 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 Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 02.06.2018 in A.B.P. No.832 of 2018 passed by the learned 3rd Addl. District and Sessions Judge, Bhagalpur in connection with Sanhulla P.S.Case No. 04 of 2016 registered under Sections 341,323,325,504,34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that brother of appellant No.1 had sold unpartitioned property in favour of the informant and informant wanted to take forceful possession, for that reason, false FIR has been lodged with allegation of commission of abuse and assault. The FIR also discloses a land dispute



between the parties. Further submission is that past criminal cases were also lodged by the same informant for same dispute.

Considering the aforesaid fact, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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