

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2669 of 2018

Arising Out of PS.Case No. -100 Year- 2016 Thana -JANKINAGAR District- PURNIA

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1. Surendra Kumar @ Surendra Roy, S/o Late Umakant Roy,
2. Santosh Roy S/o Yogendra Roy @ Jogindar Ray, Both Residents of Vill.-
Ladugarh, P.S.- Jankinagar, District- Purnea. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudhir Kumar Thakur, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-09-2018

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 28.06.2018 in A.B.P. No.25 of 2018/C.I.S.25 of 2018 arising out of Jankinagar P.S.Case No.100 of 2016 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Purnea registered under Sections 147, 149, 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act.

Allegation is that the appellants and others allegedly abused and assaulted the informant with intent to destroy and remove her Hut, where she was residing since long.

Submission of the learned counsel for the appellants is that the identity of the land has deliberately been suppressed which is fully disclosed in paragraph-3 of the supplementary



affidavit and the same is ancestral property of the appellants. The informant and others want to grab the said land. Appellants have got no criminal antecedent.

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
CAV DATE	NA
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