

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3029 of 2018

Arising Out of PS. Case No.-184 Year-2016 Thana- BARHARA KOTHI District- Purnia

1. Gopal Bhagat, S/o Late Satya Narayan Bhagat,
2. Suman Kumar, S/o Gopal Bhagat, Both resident of Village-
Kopariya, P.S.- Chousa, District- Madhepura.
3. Bablu Bhagat, S/o Sikendra Bhagat, Resident of Village-
Brahmgyani, P.S.- Bhawanipur, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

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 23.07.2018 in A.B.P. No. 48 of 2018 arising out of
CIS No. 48 of 2018 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Purnea
in connection with Barhara P.S. Case No. 184 of 2016 arising
out of Spl. SC/ST Case No. 159 of 2016 registered under
Sections 147, 148, 149, 342, 448, 379, 504, 506 of the Indian



Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

There is bona fide land dispute between the parties which would be evident from the plaint of Title Suit No. 07 of 2016 wherein informant Hira Paswan is plaintiff no. 2 and co-accused Manish Kumar Bhagat is defendant no. 1. In the aforesaid background, allegation is that appellants and others came to the house of the informant and asked to vacate the same. On refusal, they ransacked the house, committed loot and damage.

Submission is that the FIR has been lodged just to pressurize in the civil suit.

In the background of allegation, chances of *mala fide* prosecution cannot be ruled out for the purpose of consideration of this prayer for 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 anticipatory 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 the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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