

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4018 of 2018

Arising Out of PS. Case No.-145 Year-2018 Thana- BHAGWANPUR District- Bhabhua
(Kaimur)

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1. Parash Chaudhary, Son of Late Govind Chaudhary,
 2. Indradeo Chaudhary, Son of Late Govind Chaudhary,
 3. Bahadur Chaudhary, Son of Late Govind Chaudhary,
 4. Vijay Chaudhary, Son of Late Hardeo Chaudhary,
 5. Dablu Chaudhary, Son of Parash Chaudhary,
 6. Umesh Chaudhary, Son of Parash Chaudhary,
 7. Narad Chaudhary, Son of Parash Chaudhary,
 8. Suresh Chaudhary, Son of Bahadur Chaudhary, All are resident
of Village - Jaitpur Kala, Police Station - Bhagwanpur, District-
Kaimur (Bhabua).

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Sunil
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 14.09.2018 in A.B.P. No. 1281 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Kaimur at Bhabua in connection with



Bhagwanpur P.S. Case No. 145 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 435 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

There is *bona fide* land dispute between the parties for the reason that the appellants claim 2 acres 44 decimals of plot no. 18 through purchase vide registered sale deed of the year 1985 and the informant claims 3 acres 45 decimals through settlement in the same plot. The sale deed produced by the appellants would reveal that there is more area in the same plot no. 18 in the eastern and western side of the purchased land by the appellants. In the aforesaid background allegation is of commission of abuse and assault.

Considering the *bona fide* claim of the appellants and general and omnibus nature of allegation, 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.
Uploading Date	21.12.2018
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