

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3116 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -CHAUSA District- MADHEPURA

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1. Birendra Mistri Son of Late Kamdev Mistri @ Kamo Mistri Resident of
Village-Fulaut West, P.S. Chausa (Fulaut-O.P.) District Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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with

Criminal Appeal (SJ) No.3074 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -CHAUSA District- MADHEPURA

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1. Koko Sah son of Late Tetar Sah resident of village Fulaut West, P.S.
Chausa (Fulaut O.P.), District Madhepura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

(In CR. APP (SJ) No.3116 of 2017)

For the Appellant/s : Mr. Shivnandan Sah

For the Respondent/s : Mr. Sri Sadanand Paswan

(In CR. APP (SJ) No.3074 of 2017)

For the Appellant/s : Mr. Shivnandan Sah

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 09-01-2018

Heard learned counsel for the parties.

These appeals are 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 by the learned Special Judge
(S.C./S.T.), Madhepura in Chausa (Fulaut O.P.) P.S. Case No. 99
of 2017 registered under Sections 147, 148, 149, 341, 323, 324,



384, 307, 379, 504, 506 of the Indian Penal Code as well as Section 3(1)(s) of the SC/ST Act.

For land dispute, there is allegation of commission of assault against co-accused Bhupendra Sah, Manoj Sah and Mukesh Sah.

Submission of the learned counsel for the appellants is that there is no specific allegation against the appellants.

The case diary would reveal that old land dispute is there between the parties. The occurrence did not take place in public view. Hence, bar under Section 18 of the SC/ST Act is not attracted in the facts and circumstances of the case.

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 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 and trial of the case, failing



which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, these appeals stand allowed.

(Birendra Kumar, J)

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