

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1128 of 2016

Arising Out of PS. Case No.-203 Year-2016 Thana- BUXAR MUFFSIL District- Buxar

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1. Vishal Kunwar, Son of Brahma Kunwar,
 2. Rahul Raj @ Golu,
 3. Rohit Raj @ Bittu @ Rahit Raj, Both are Sons of Haresh Kunwar, All are R/o Village- Sanichara Baba Sthan, Bypass Road, P.S.- Buxar (M), Distt.- Buxar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dr. Kamal Deo Sharma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 14-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 15.11.2016 passed by the learned Additional Sessions Judge-1st, Buxar in A.B.P. No.868 of 2016, arising out of Buxar (M) Police Station Case No.203 of 2016 registered under Sections 341, 323, 324, 307, 504, 379/34 of the Indian Penal Code and Section 3 (1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



There is dispute for encroachment of land by the informant, who is neighbour of the appellants, which would be evident from the application of *Brahma Kunwar*, the father of appellant No.1 at *Annexure-4* and registration of Demarcation Case No.20 of 11-12 at *Annexure-5*. The application of the father of the appellants is dated 16.03.2011. The aforesaid fact has been suppressed in the present F.I.R., wherein allegation is that two groups were fighting in the locality of the informant. When son of the informant went for rescue, he was also assaulted by the appellants. Further allegation is of commission of theft.

Considering the suppression of the old civil dispute between the parties, by the informant, the chances of mala fide prosecution of the appellants cannot be ruled out. 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the



investigation/trial of the case, failing which the court below shall
be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

