

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3906 of 2018

Arising Out of PS. Case No.-4 Year-2018 Thana- SC/ST District- Banka

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1. Manoj Singh, Son of Subodh Prasad Singh
 2. Piyush Kumar @ Aayush Kumar @ Ayush Kumar Singh, Son of Manoj Singh
 3. Shiromani Devi, Wife of Subodh Prasad Singh
 4. Subodh Prasad Singh, Son of Late Bhuwadeshwar Prasad Singh. Petitioner Nos. 1 to 4 are resident of Village - Panjwara, Police Station - Panjwara, District - Banka.
 5. Pratima Devi, Wife of Bal Kishore Singh
 6. Bal Kishore Singh @ Bal Krishna Singh, Son of Late Jagdish Prasad Singh, Petitioner Nos. 5 and 6 are resident of Village - Pair, Police Station - Dhoraiya, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Viveka Nandsingh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 17-12-2018

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 30.08.2018 in A.B.P. No. 1044 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Banka SC/ST P.S. Case No. 04 of 2018 registered under Sections 147, 148, 149, 447, 341, 323, 379, 385, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

There is land dispute between the parties as both



sides claim the same land through purchase. After investigation, the police did not send the appellants for trial. However, the learned Magistrate differed with the police report.

Considering the aforesaid fact couple with general and omnibus nature of allegation and the statement on oath that the appellants have got no criminal antecedent, 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 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/Ravi

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