

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3728 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- FALKA District- Katihar

-
1. Mitthu Kumar Mahaldar, Son of Binod Singh,
 2. Sitthu Kumar, Son of Binod Singh,
 3. Binod Singh, Son of Rameshwar Singh, All residents of Village-Fuldobhi Road, Tola Mushahari, Police Station- Falka, District-Katihar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 against the refusal of prayer for anticipatory bail vide order dated 08.08.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Katihar, in A.B.P. No.59 of 2018, arising out of Falka Police Station Case No.218 of 2018, registered under Sections 341/323/354/379/504/506/34 of the Indian Penal Code and Section 3(i)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is trespasser on the land of the appellants, which would be evident from the report of the Revenue Karmchari submitted to the Circle Officer, Falka, vide report at Annexure-3. The FIR also reveals that the appellants abused and assaulted for the reason that



informant had made a house on the land of the appellants.

In the background of allegation chances of mala fide prosecution cannot be ruled out for the purpose of this 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 bail on furnishing bail bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2018
Transmission Date	13.12.2018

