

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.619 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -SC/ST District- BANKA

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1. Md. Masroor Alam@ Masroor Alam, son of Late Md. Ashraf Ali,
2. Md. Maqsood, son of Late Md. Ashraf Ali,
3. Md. Hassan, son of Maqsood,
4. Md. Hussain @ Hussain, son of Md. Maqsood, All Resident of Uppar Tola
Chihar, Police Station Barahat, District Banka Appellant/s
Versus

1. The State of Bihar.
2. Mahesh Harijan, son of Late Sudhan Harijan, Resident of Lilabaran, (Upper
Tola), P.S. Barahat, District Banka. Respondent/s

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Appearance :

For the Appellant/s : Mr. Firoj Ahmad, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-07-2018

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 by order dated 07.02.2018 by the learned 1st Additional Sessions Judge, Banka, in connection with SC/ST Police Station Case No.50 of 2017 registered under Sections 147, 149, 448, 341, 323, 504, 506 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For bonafide land dispute between the parties, allegation is of general and omnibus nature of commission of abuse and assault by taking caste name of the informant.



Considering the bonafide claim of the appellants over the lands which they claimed to have acquired by registered deed of gift, 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 bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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