

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1192 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -SC/ST District- GAYA

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1. Dilip Yadav, son of Kameshwar Yadav,
 2. Baleshwar Yadav, son of Late Bhajju Yadav,
 3. Rohit Kumar, son of Baleshwar Yadav,
 4. Sikandar Kumar, son of Sidheshwar Yadav,
 5. Pramod Kumar, son of Bachchu Yadav, All Resident of Village- Rehua,
Chaurahar, P.S.- Magadh, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kunal Tiwary, Advocate

For the Respondent/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 24-05-2018

Heard 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 refusal of prayer for anticipatory bail in **Gaya Sadar SC/ST P.S. Case No.05 of 2018** instituted under Section(s) 147, 149, 341, 323, 337, 338, 354, 504, 506 Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the appellants has submitted that instant case has been filed by the informant due to land dispute. It has been mentioned in para 10 of the bail petition that earlier



Criminal Revision No.120 of 2009 was filed by the brother-in-law of the informant, namely, Sonu Paswan, against the appellants for a dispute of land bearing Khata No.68, Plot No.169, Area 10 Dhur, which was dismissed by the Sessions Judge, Gaya, and order was passed in favour of the appellants.

In the First Information Report, there is general and omnibus against the appellants.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest/surrender within a period of six weeks from today in connection with **Gaya Sadar SC/ST P.S. Case No.05 of 2018**, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Special Judge, SC/ST, Gaya**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

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

(Sanjay Priya, J)

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