

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1700 of 2018

Arising Out of PS.Case No. -12 Year- 2017 Thana -SC/ST District- VAISHALI(HAJIPUR)

1. Vijay Kumar Rai @ Vijay Kumar @ Munna Rai, Son of Jamun Rai, resident of Village- Etwarpur Sisaula, P.S. Lalganj, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-09-2018

The appeal has been filed after delay of 83 days. The delay is explained in the petition filed under Section 5 of the Limitation Act. Hence, the delay is condoned.

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 16.11.2017 passed by the learned Additional Sessions Judge-I, Vaishali at Hajipur, in A.B.P. No.1936 of 2017, arising out of SC/ST Police Station Case No.12 of 2017, registered under Sections 341/323/427/504/379/34 of the Indian Penal Code and Sections 3(i)(x)/3(1)(5)/3(1)(9) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant and others have purchased the FIR referred Plot No.1884 through registered sale deed dated 29.03.2015 from



Nathuni Rai and others, a copy of the said deed at Annexure-2.

The informant claims to be the Bataidar of one Sachida Babu in respect of the aforesaid land. The allegation of abuse and assault is in the background of the aforesaid dispute.

Considering the bona fide claim of the appellant on the land, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2018
Transmission Date	27.09.2018

