

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2747 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -SC/ST District- SAMASTIPUR

- =====
1. Tilak Raj Dargan @ Tilak Ray, S/o Sri Baldeo Lal
 2. Kamlesh Devi, W/o Tilak Ray Dargan
 3. Sainki Raj @ Sexy Raj Dargan @ Bharat Dargan, S/o Tilak Raj Darganj, All resident of Mohalla - Mulchand Ward No. 21, Station Road, Bajrang Tola, P.S. - Town, District - Samastipur

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellants : Mr. Kumari Jyoti, Advocate

For the Respondent : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-09-2018

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 04.07.2018 in A.P.B. No. 1023 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No. 37 of 2017 registered under Sections 147, 447, 341, 323, 324, 379, 354B, 506, 504 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w)(i), 3(2)(va) of the SC/ST Act.

Land dispute is going on between the informant of this



case and the wife and children of the appellants vide Land Dispute Case No. 225 of 2013 before the Deputy Collector, Land Reforms, Sasamtipur vide Annexure-3. An identical dispute is there with other co-accused. The dispute between the informant and co-accused is there for the reason that there is admitted relationship of landlord and tenant between the parties.

Learned counsel for the appellants submits that just to put undue pressure in the land dispute matter, present false case has been lodged.

Learned counsel for the informant opposed the prayer for bail on the ground of nature of allegation as well as the fact that the appellants have got two criminal antecedent.

Submission of the appellants is that one of the criminal cases was lodged by the same informant and another criminal case which relates to an occurrence of murder, the appellants are not named in the FIR.

Considering the background and nature of allegation, 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/- (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 investigation/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 within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.09.2018
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