

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2772 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -SC/ST BETTIAH District- WESTCHAMPARAN (BETTIAH)

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1. Vivek Kumar Mishra, Son of Binay Kumar Mishra.
 2. Binay Kumar Mishra, Son of Late Deonath Mishra.
 3. Vijay Kant Mishra @ Tapsi Mishra, S/o Late Deonath Mishra, All resident of Village - Barwa, P.S. - Majhauriya, District - West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

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 30.06.2018 in A.B.P. No. 979 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, West Champaran at Bettiah in connection with Bettiah Sadar SC/ST P.S. Case No. 01 of 2018 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r)(ii)(va) of the SC/ST Act.

Appellants are cousin of one Sudhir Mishra. The informant claims to be helper of Sudhir Mishra. When the informant went to see the land of Sudhir Mishra, he saw that the appellants were there and they started abusing to the informant.

Submission is that several litigations are going on between



the appellants and Sudhir Mishra and the informant has been set up by Sudhir Mishra.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the substance in the submission aforesaid as well as statement of the appellants that they have got no criminal antecedent, 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 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	14.09.2018
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