

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3815 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- GARKHA District- Saran

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1. Vijay Rai, son of Late Rampukar Rai, Resident of Village- Bhaismara, P.S. Garkha, District- Saran at Chapra.
 2. Sakaldeep Rai, son of Jharilal Rai, Resident of Village- Chainpur, P.S. Garkha, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 13-12-2018

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 29.08.2018 in A.B.P. No. 2401 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran at Chapra in connection with Garkha P.S. Case No. 165 of 2017 registered under Sections 147, 148, 149, 341, 323, 354, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act as well as Sections 3(i)(p) of the SC/ST Act.

There is land dispute between the parties as appellant no. 1 Vijay Rai had purchased the said land through registered sale deed dated 09.02.2017 at Annexure 2. In the aforesaid background



allegation is of commission of abuse and assault. The allegation of commission of firearm injury, is against co-accused Manoj Giri, at the leg of the informant and one Brajesh Singh.

Since no overt act is alleged specific against the appellants and 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 anticipatory 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/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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