

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3892 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- BAIRIYA District- West Champaran

1. Amar Prasad son of Jiut Prasad, resident of Village- Dubauli, Police Station- Nautan, District- West Champaran.
2. Ameerka Mahto son of Asharfi Mahto, resident of Village- Miyapur Dubauli, Police Station- Bairiya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No.-7, Adv

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 14-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 24.07.2018 in A.B.P. No.1347 of 2018 arising out of Bairiya P.S.Case No.33 of 2018 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Bettiah, West Champaran registered under Sections 341, 323, 446, 406, 420, 467, 468, 471, 504 of the Indian Penal Code and Sections 3(I)(r)(w)(ii)(va) of the Scheduled Castes and Scheduled Tribes Act.

The appellants had purchased a land from the informant through registered sale deed vide Annexure-2. Thereafter, name of the appellants was mutated and they are paying the rent to the Govt. vide Annexure-3. Later on, informant lodged the case with allegation that the



appellants had taken the informant saying that he would have to witness on a document. But later on, it revealed that the said document was a transfer deed.

Submission is that after sale of the land, false allegation has been levelled just to pressurize.

Considering the aforesaid fact, 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 bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2018
Transmission Date	15.12.2018

