

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2923 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -SC/ST District- BHABHUA (KAIMUR)

- =====
1. Umesh Singh @ Umesh Kumar Singh
 2. Shiva Singh
 3. Dinesh Singh all three sons of Nandeshwar Singh
 4. Nandeshwar Singh son of Late Nanhku Singh,
 5. Pyare Singh son of Late Thakur Singh, all resident of Village- Dewarji- Khurd, P.S. Bhabua, District Kaimur at Bhabua.

.... Appellant/s

Versus

1. The State of Bihar.
2. Changur Ram son of Late Lattu Ram, resident of Village- Dewarje- Khurd, P.S. Kurasan, District Kaimur at Bhabua.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Tribhuvan Narayan, Advocate
For the Respondent/s : Mrs. Usha Kumari, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 31-08-2018

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 against the refusal of prayer for anticipatory bail vide order dated 18.07.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Kaimur at Bhabua, in A.B.P. No. 1045 of 2018, arising out of Bhabua SC/ST Police Station Case No. 21 of 2018, registered under Sections 341, 323, 504 and 506/34 of the Indian Penal Code and Sections 3(i) (r) (s) (f) (G) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Submission is that there is real dispute for encroachment on public land by the informant of this case and for that reason in the past also the informant had lodged identical case, i.e., Bhabhua SC/ST P.S. Case No.9 of 2014.

Considering the background and the nature of offences under the Indian Penal Code, which are bailable, 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2018
Transmission Date	04.09.2018s

