

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.232 of 2018

Arising Out of PS.Case No. -47 Year- 2017 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Jitendra Kumar S/o Shivji Rai, resident of Village- Bahuara, P.S.- Patepur, District-Vaishali.
2. Arvind Kumar Thakur, S/o Late Mathura Prasad Thakur, resident of Village- Knowajpur, P.S.- Baligaon, District- Vaishali.
3. Vijay Kumar Thakur, S/o Saryug Thakur, resident of Ramana Rajju Sah Lane, P.S.- Mithanpura, District- Muzaffarpur.
4. Manish Kumar, S/o Late Mangal Das, resident of Village- Mahua Singh Rai, P.S. Mahua, District- Vaishali.
5. Sunil Kumar, S/o Rajeshwar Mandal, resident of Village- Mahua, P.S.- Mahua, District- Vaishali. Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Sinha, Adv.
For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 27-03-2018

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 the learned Additional Sessions Judge 1st-cum-Special Judge, Vaishali at Hajipur in connection with Patepur P.S.Case No. 47 of 2017 registered under Sections 120(B)/420/467/468/471 of the Indian Penal Code as well as under Sections 3 (1)F,3(1)(G),3(1)(P),3(r)(2), 3(2)(7) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that initially complaint case was filed alleging therein that appellants Arvind Kumar Thakur



and Vijay Kumar Thakur who are agnates of the complainant sold the land of the complainant in favour of appellant Jitendra Kumar. Other appellants are witnesses on the sale deed.

Further submission is that appellant Nos.2 and 3 have sold their own share and there is no collusion or conspiracy in the said transaction.

Considering the 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 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 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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