

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1989 of 2018

Arising Out of PS. Case No.-18 Year-2016 Thana- SC/ST District- Sitamarhi

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Girja Nandan Sharma, Son of Late Sattan Singh, resident of Village-
Muradpur, P.S.- Dumra, District- Sitamarhi.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent.

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Appearance :

For the Appellant : Mr. Birendra Kumar, Advocate.
For the State : Mr. Binay Krishna, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL JUDGMENT

Date : 14-06-2018

Heard learned counsel for the appellant and the
learned A.P.P. for the State.

2. This appeal, filed under Section 14A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, is directed against the order dated
09.01.2017 passed in A.B.P. No.2371 of 2016/285 of 2016,
whereby the court of the Additional Sessions Judge-I-cum-
Special Judge (S.C./S.T. Act), Sitamarhi, refused to grant the
privilege of pre-arrest bail to the appellant in connection with
Sitamarhi (S.C./S.T.) P.S. Case No.18 of 2016 registered under
Sections 341, 323, 504 and 506 of the Indian Penal Code
besides Sections 3(i) (x) of the S.C./S.T. Act.

3. The allegation of the complainant/informant is



that on 18.02.2016 at about 09.00 A.M., the appellant and others started to construct the wall in front of his door. When the complainant/informant made protest, saying that as to why path is being blockade, then the appellant started to abuse denoting his caste name and on the order of this appellant, the other accused caused assault to him through fists and slaps. At that time, this appellant caused assault to the complainant/informant through shoes.

4. Learned counsel for the appellant submits that the land in dispute is belonging to the appellant but the complainant/informant wanted to capture the same. Regarding the land in dispute, Tuntun Malik, the son of the complainant/informant, had also filed an application before the police in which inquiry was made and it was found that the land in dispute belongs to the petitioner, which would appear from the report dated 04.07.2008 submitted by the Officer Incharge, Dumra Police Station, to the Superintendent of Police, Sitamarhi (Annexure- '2' to this application).

5. Having regard to the facts and the circumstances of the case, this appeal is allowed and the impugned order is set aside. Let the appellant, above named, in the event of his arrest or surrender by him within six weeks



from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Sitamarhi, in connection with Sitamarhi (S.C./S.T.) P.S. Case No.18 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2018.
Transmission Date	18.06.2018.

