

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3604 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -CHENARI District- SASARAM (ROHTAS)

- =====
1. Kamlesh Tiwary, Son of Late Badari Tiwary.
 2. Manoj Tiwary Son of Late Baikunth Tiwary, Both Resident of Village-Kinar Chola, P.S.-Chenari, District- Rohtas at Sasaram (Bihar)
- Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhanendra Chaubey

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-02-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Rohtas at Sasaram in Chenarai P.S. Case No. 221 of 2016 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(i)(r)(s) of the SC/ST Act.

Allegation against the appellants in the FIR is that for land dispute, they fired and abused the informant by taking her caste name.

Learned counsel for the appellants submits that entire concoction is there to defeat the bona fide claim of the



appellants over the land which is, in fact, in possession of the appellants. The appellants have disclosed details of the paper of their claim over the said land by filing supplementary affidavit.

Without going into the merit of the civil dispute, in my view, the appellants deserve anticipatory bail, hence, 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/- (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 and 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)

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