

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2126 of 2018

Arising Out of PS. Case No.-74 Year-2017 Thana- SC/ST District- Araria

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1. Kuldeep Mishra,
 2. Rajendra Mishra,
 3. Bhuvdev Mishra @ Bhuvdev Kumar Mishra, All are Son of Singeshwar Mishra, All are resident of Village- Kushmoul, P.S.- Bhargame, Dist.- Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 25-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 A 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 vide order dated 14.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in A.B.P. No.531 of 2018, arising out of Araria SC/ST Police Station Case No.74 of 2017 registered under Sections 447, 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code and Section 3 (I) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants are also purchasers from *Bhola Mandal* through registered sale deed measuring area .54 ¼ acres in the plots referred in the F.I.R. Therefore, the appellants have prima facie and



bona fide claim on the referred land. The occurrence allegedly took place for the reason that the appellants were ploughing the land and the informant forbid them. The Doctor has found simple injury.

Considering the background and 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 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	N.A.
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