

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3039 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -JAIPUR District- BANKA

- =====
1. Sahdeo Yadav son of Late Misar Yadav
 2. Jaldhar Yadav, son of Sahdeo Yadav, Both residents of village - Charka Pathar, P.S. Jaipur, District - Banka.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Brij Nandan Prasad, Advocate

For the Respondent/s : Smt. Usha Kumari No. 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-10-2018

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 regular bail vide order dated 13.07.2018 in Jaipur P.S. Case No. 22 of 2018 passed by the learned 1st Additional Sessions Judge, Banka in connection with the aforesaid case registered under Sections 341, 323, 447, 448, 427, 436, 504, 506/34 of the Indian Penal Code as well as Section 3(1)(r) of the SC/ST Act.

Supplementary affidavit has been filed. Keep it on the record.

Land dispute is the reason behind allegation of commission of assault and mischief by damaging the hut of the informant.

Submission is that deliberately the identity of the land has been suppressed in the FIR. Appellants are in custody since 27.06.2018.



Investigation of the case is closed.

Learned counsel for the State opposed the prayer for bail on the ground that other eyewitnesses have specifically stated before the police that Jalandhar Yadav allegedly committed arson in the house of the informant.

Considering the background of the allegation which has been suppressed in the FIR as well as the order of the competent court under Section 145 Cr.P.C. dated 23.03.2007 between the same parties declaring possession of the appellants on the disputed land, let the appellants, above named, 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 learned Court below where the case is pending in connection with the aforesaid case, subject to the 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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