

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1237 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -BANIAPUR District- SARAN

- =====
1. Hari Shankar Singh @ Bablu @ Babalu,
 2. Pawan Singh @ Pawan Kumar, Both are Son of Ram Narayan Singh, R/o Vill.- Pirauta, P.S.- Baniyapur, District- Saran at Chapra, State- Bihar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vipin Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-07-2018

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 "S.C./S.T. Act") against the refusal of prayer for anticipatory bail vide order dated 15.03.2018 passed in A.B.P. No.660 of 2018, by the learned 1st Additional Sessions Judge, Saran at Chapra, in connection with Baniyapur P.S. Case No.134 of 2017, registered under Sections 341, 323, 307, 354, 504/34 of the Indian Penal Code and Section 3(a) (r) of the S.C./S.T. Act.

Appellant No.1, *Hari Shankar Singh @ Bablu @ Babalu* has already been arrested in this case. Hence his prayer for anticipatory bail has become infructuous now.

The appellants side had lodged case on the date of occurrence



itself vide Annexure-2 and after five dates of the occurrence of the same date dated 20.05.2017, the present F.I.R. was lodged.

Allegation is that F.I.R. named accused persons for dispute relating to claim over a tree allegedly committed abuse and assault.

Submission is that the appellant sides have also sustained injury. There is dispute that Palm tree is of the appellants.

Considering the aforesaid facts, let the appellant no.2, *Pawan Singh @ Pawan Kumar*, in the event of his 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 bond of Rs.20,000/- (rupees twenty thousand) 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 appellant 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 appellant.

Accordingly, this appeal stands partly allowed and partly dismissed.

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

