

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1573 of 2018

Arising Out of PS.Case No. -6 Year- 2017 Thana -SC/ST District- GAYA

- =====
1. Laxmi Devi @ Laxminia Devi wife of Talkeshwar Sharma
 2. Kapoori Sharma @ Shankar Kumar Sharma son of Amka Sharma @ Ambika Thakur
 3. Dhibari Devi @ Malti Devi wife of Gangu Sharma @ Gangu Thakur
 4. Gangu Sharma @ Gangu Thakur son of Amka Sharma @ Ambika Thakur All appellant nos. 1 to 4 are residents of village - Salaiya Kala, Tola - Shivala Par, Police Station - Fatehpur, District - Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shailesh Kumar, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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 against the refusal of prayer for anticipatory bail vide order dated 04.04.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in Gaya SC/ST Police Station Case No.6 of 2017, registered under Sections 147/149/341/323/504/354/379 of the Indian Penal Code and Sections 3(i)(r)(s)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The case-diary would reveal that the land dispute is



background of the allegation of abuse and assault.

Submission is that most of the allegation including allegation of commission of theft of gold chain are ornamental one.

Considering the background and the 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/- (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/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2018
Transmission Date	19.07.2018

