

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.743 of 2018

Arising Out of PS.Case No. -515 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sk. Sakari @ Md. Sakari,
2. Sk. Makaran @ Md. Mukaran,
3. Md. Gufran @ Babloo All S/o Sk. Kalimullah, R/o Village- Janerwa, P.S.-
Banjariya, District- East Champaran. Appellant/s

Versus

1. The State of Bihar ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Sinha, Adv

For the Respondent/s : Smt. Usha Kumari, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, East Champaran, Motihari in connection with Turkauliya/Banjaria P.S.Case No. 515 of 2015 registered under Sections 323,341,504,379 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants were allegedly cutting the soil of the land of the informant and for that dispute, the appellants allegedly abused by taking caste name and committed assault and theft.

Submission is of malicious prosecution for the



reason that the said land was purchased by the grandfather of the appellants through registered sale deed brought on the record through supplementary affidavit and just to pressurize and grab the said land, present false case has been lodged.

Considering the background and nature of allegation, in my view, the appellants deserve anticipatory bail, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (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 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.06.2018
Transmission Date	20.06.2018

