

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2301 of 2018

Arising Out of PS.Case No. -31 Year- 2013 Thana -SC/ST District- KHAGARIA

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1. Ashok Singh, S/o Late Ramudgar Singh,
2. Dewan Singh S/o Late Jagdeo Singh,
3. Rajesh Singh S/o Late Nago Singh, All Residents of Vill.- Bachhauta, P.S.-
Morkahi, District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sada Nand Roy, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-08-2018

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 17.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Khagaria, in A.B.A. No.28 of 2018, arising out of Khagaria SC/ST Police Station Case No.31 of 2013, registered under Sections 341/323/379/504/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is land dispute between the parties, which would be evident from order dated 28.05.2012 passed in Case No.282M of 2012, a proceeding under Section 144 Cr.P.C., by the Sub-Divisional Officer, Khagaria. In the aforesaid background, allegation is that



when the informant was working on the land, which is subject matter of the proceeding, the appellants came variously armed and cutaway the crops. Further allegation is of commission of abuse and assault and demand of ransom.

Considering the land dispute as background of the allegation, in my view, the appellants deserves anticipatory bail. Hence, 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
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