

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2768 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- SC/ST District- Muzaffarpur

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1. Sushila Devi, Wife of Shashi Bhushan Rai, resident of Village- Mathiya Bariyarpur, P.S. Motipur, District- Muzaffarpur.
 2. Jogindra Rai, Son of Ram Bilash Rai, resident of Village- Baya Jagdishpur, P.S.- Paroo, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nachiketa Jha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-10-2018

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 anticipatory bail vide order dated 29.06.2018 passed by the learned Special Judge S.C. & S.T. Act, Muzaffarpur in A.B.P. No.1504 of 2018, arising out of Muzaffarpur S.C./S.T. Police Station Case No.03 of 2018 registered under Sections 341, 323, 504, 506, 379, 354(A) of the Indian Penal Code and Sections 3 (1) (s) (g) w (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

There is bona fide land dispute between the parties for the reason that father-in-law of appellant No.1, *Sushila Devi* had



sold the property to the informant, as claimed in the F.I.R. and for that reason allegation is of commission of abuse and assault etc.

Considering the background and nature of allegation as well as statement of the appellants on oath that they have got no criminal antecedent, 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

