

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3993 of 2018

Arising Out of PS. Case No.-175 Year-2018 Thana- BAIRIYA District- West Champaran

1. Rajeshwar Yadav
2. Rameshwsar Yadav Both are son of Late Gopal Yadav Resident of Village-Fuliya Khand, Police Station-Bairiya, Distt.-West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No.-7, Advocate

For the Respondent/s : Sri Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 05.09.2018 passed by the learned Additional Session Judge 1st -cum- Special Judge, Bettiah West Champaran, in A.B.P. No.1448 of 2018, arising out of Bairiya Police Station Case No. 175 of 2018, registered under Sections 341/323/354B/379/504/34 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is bona fide land dispute between the parties



for the reason that the appellants purchased the same land from Anand Kumar and Vicky Kumar, the sons of Awadh Kishore Prasad. Anand Kumar and Vicky Kumar had got the property by gift from the grandmother vide registered gift deed dated 22.03.1994. The informant had purchased the same from Awadh Kishor Prasad, the father of Anand kumar and Vicky Kumar. In the aforesaid background the allegation is general and omnibus of commission of assault and theft. The appellants have got no criminal antecedent.

Considering the background of allegation chances of mala fide prosecution cannot be ruled out. 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
Uploading Date	18.12.2018
Transmission Date	18.12.2018

