

# IN THE HIGH COURT OF JUDICATURE AT PATNA

## Criminal Appeal (SJ) No.1848 of 2018

Arising Out of PS.Case No. -116 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Raghuni Mukhiya, S/o Late Arjun Mukhiya,
  2. Arun Mukhiya, S/o Nityanand Mukhiya, Both residents of Village- Ramnagar Mahesh, Police Station- Srinagar & District- Madhepura.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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### Appearance :

For the Appellant/s : Mr. Sanjeev Verma, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

ORAL JUDGMENT

**Date: 18-07-2018**

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 24.04.2018 passed by the learned Special Judge (S.C./S.T. Act), Madhepura, in A.B.P. No.303 of 2018, arising out of Srinagar Police Station Case No.116 of 2017, registered under Sections 341/342/323/324/325/307/302/427/504/506/34 of the Indian Penal Code and Sections 3(i)(s)/3(i)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

About 40-50 persons allegedly fired for land dispute which caused injury to Jagdish Das and Jagdish Das died subsequently. There is some specific allegation against the named accused persons. The appellants were simply identified as members of the mob.



Submission is that at Annexures-2 and 3, there is material to substantiate enmity between the informant and the appellants and for that reason they have falsely been implicated.

Considering the fact that there is no substantial material against the appellants, 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./-

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