

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2562 of 2018

Arising Out of PS. Case No.-587 Year-2016 Thana- FORBESGANJ District- Araria

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1. Bijoy Sah, Son of Fakir Chand Sah.
 2. Ram Deo Sah, Son of Fakir Chand Sah.
 3. Jai Prakash Sah, Son of Fakir Chand Sah. No. 1 to 3 are residents of Village Bangali Tola, Police Station- Forbesganj, District- Araria.
 4. Amar Nath Sah, Son of Chandradeo Sah.
 5. Kama Rishideo, Son of Late Saburi Rishideo
 6. Jugal Rishideo, Son of Jhingar Rishideo, No. 4 to 6 are residents of Village Pachchiyari Jhirwa, Police Station Simraha, District- Araria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arun Kumar Mandal

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 20.06.2018 passed by the learned 1st Additional Sessions Judge, Araria in A.B.P. No.779 of 2018, in connection with Araria Special Case No.194 of 2017 (S.C./S.T.), arising out of Forbesganj (Simraha) Police Station Case No.587of 2016 registered under Sections 147, 149, 323, 427, 504 of the Indian Penal Code and Section 3 (1)(x) of



the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the F.I.R. named persons including the appellants is that they committed loot in the house of the informant with intent to take forceful possession of the same land.

Submission of the learned counsel for the appellants is that appellant No.5 *Kama Rishideo* is full brother of the informant of this case and appellant No.6 *Jugal Rishideo* is also a member of scheduled caste. The present false case has been lodged after cancellation of the *Parcha*, issued in favour of the informant, by the competent authority. The appellants have got no criminal antecedents.

Considering the background and general and omnibus nature of allegation, 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	

