

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2577 of 2018

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

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1. Abhitab Kumar @ Amitabh Kumar S/o Late Vinod Shankar Vidyarthi, R/o Vill.- Maner Parab, P.S.- Maner, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Srivastava, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail vide order dated 14.05.2018 passed by the learned Additional District and Sessions Judge, Patna in A.B.P. No.2914 of 2018, in connection with Special Case No.21 of 2018 arising out of SC/ST Police Station Patna Case No.3 of 2018, registered under Section 147/148/149/448/341/323/324/307/379/354B/504/506 of the Indian Penal Code and Sections 3(i)(r), 3(1)(8), 3(1)(w), 3(1)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is land dispute between the parties which



would be evident from the different documents annexed with the supplementary affidavit and second supplementary affidavit. For that dispute, specific allegation is against other individuals to have committed assault causing injury at the head of the injured.

Submission of the learned counsel for the appellant is that there is no specific allegation against the appellant and co-accused-Kamal Kishore Ray against whom, ornamental allegation of commission of theft during occurrence is there, has already been allowed anticipatory bail by this Court in Cr.Appeal (SJ) No.2451 of 2018.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Since allegation against the appellant is on better footing to that of co-accused- Kamal Kishore Ray, let the appellant, above named, in the event of his 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) 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 and both bailors shall be resident of territorial jurisdiction of the learned



court below and further the appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2018
Transmission Date	06.09.2018

