

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3507 of 2018

Arising Out of PS. Case No.-13 Year-2018 Thana- SC/ST District- Jehanabad

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1. Kamlesh Yadav @ Kamlesh Kumar Singh, Son of Mungeshwar Yadav,
 2. Krishna Yadav, Son of Late Harihar Yadav,
 3. Gautam Kumar, Son of Krishna Yadav,
 4. Deo Kumar, Son of Ranvijay Singh, All resident of Village- Khabaini, P.S.- Rampur Chauram, District- Arwal.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Md. Shakir Ahmad, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 16.08.2018 passed by the learned Additional Sessions Judge-I, Jehanabad, in A.B.P. No.1179 of 2018, arising out of Arwal SC/ST Police Station Case No. of 13 of 2018, registered under Sections 341/323/307/354B/504/506/34 of the Indian Penal Code and Sections 3(i)(f)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that there is land dispute between the parties and in the aforesaid background allegation is of



commission of abuse and assault as well as attempt to outrage the modesty of the female members of the family of the informant.

Considering the background of allegation, the chances of mala fide prosecution cannot be ruled out, 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
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