

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1367 of 2018

Arising Out of PS. Case No.-50 Year-2017 Thana- HASANPUR District- Samastipur

Vijay Kumar Singh, son of Late Narendra Singh, resident of Village-
Hasanpur, P.S.- Hasanpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kr. Thakur & Babita Kumari ,Advts.
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-05-2018 Heard learned counsel for the appellant and learned
Special P.P. for the State.

This is an appeal under Section 14 A(2) of the
Schedule Caste and Schedule Tribe (Prevention of Atrocities)
amendment Act, 2015 against refusal of the prayer for
anticipatory bail in connection with Hasanpur P.S., Case No. 50
of 2017 registered under Sections 147, 148, 341, 323, 379, 436,
504 and 506 of the Indian Penal Code and Section 3 (1)(r),(s),
(w) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellant has submitted that
the appellant has got no criminal antecedents. He has further
submitted that the land as mentioned in the written report
belongs to the appellant. The ancestor of the present informant
executed a sale deed in favour of Ram Adhin Singh in the year



1926 and the descendants of Ram Adhin Singh, appellant and his uncle purchased the said land through registered sale deed in the year 2003 and after the said purchase the land was mutated in the name of the appellant and his family members in revenue records of right and rent receipts were issued in their names. It is further submitted that subsequently Ghanshyam Tanti and others filed a Title Suit being Title Suit no. 45 of 2016 in which the appellant has been made as defendant no.13. Learned counsel for the appellant has further submitted that due to aforesaid land dispute this false case has been lodged by the informant impleading the appellant. It is further highlighted that there is no specific allegation against the appellant under the provisions of SC/ST Act. It is further submitted that some of the co-accused have already been granted anticipatory bail by a Co-ordinate Bench of the court vide order dated 14.5. 2018, passed in Cr. Appeal (SJ) No. 1364 of 2018.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest/surrender within six weeks from today in connection with Hasanpur P. S. case no. 50 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-1st -cum- special Judge SC/ST Act, Samastipur subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the appellant and (3) if appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

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

(Sanjay Priya, J)

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