

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1626 of 2018

Arising Out of PS.Case No. -38 Year- 2018 Thana -MADANPURA District- AURANGABAD

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1. Sanjay Yadav, S/o Basudeo Yadav,
2. Dhananjay Yadav, S/o Basudeo Yadav,
3. Banarsi Yadav, S/o Jagdish Yadav,
4. Ramesh Yadav, S/o Banarsi Yadav, all residents of Village- Badi Aerki, P.S.-
Madanpur, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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 by order dated 18.04.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Aurangabad in connection with Madanpur P.S.Case No. 38 of 2018 registered under Sections 341,323,308,504,506/34 of the Indian Penal Code and Sections 3(i)(r),3(1)(s),3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

There is general and omnibus allegation against the FIR named eight accused persons including the appellants of



commission of abuse and assault for dispute relating to drainage.

Submission of the learned counsel for the appellants is that for removal of encroachment, necessary order was already passed by the competent authority against the informant of this case on complaint of the appellants and for that reason, present false prosecution has been lodged. Supplementary affidavit has been filed supporting aforesaid facts.

Considering the submission aforesaid, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 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



this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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