

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2110 of 2018

Arising Out of PS.Case No. -1435 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Ganesh Singh,
2. Mahesh Singh,
3. Kartik Singh,
4. Abdhu Singh, All Sons of Late Ganga Singh,
5. Pinku Singh, Son of Ram Narayan Singh,
6. Dhananjai Singh, Son of Rajendra Singh.
7. Niraj Singh, Son of Suresh Singh, All resident of Village- Baharadarpur, Ward
No. 6, P.S.- Muffasil (Lakho O.P.), District- Begusarai.

.... Appellant/s

Versus

1. The State of Bihar.
2. Nirmala Devi, Wife of Rajendra Ram, resident of village- Bahadarpur, P.S.-
Muffasil (Lakho O.P.), District- Begusarai.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

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 29.05.2018 in A.B.A. No.1022 of 2018 passed by
the learned Special Judge SC/ST Act, Begusarai in connection
with Complaint Case No. 1435 of 2016 registered under
Sections 147,148,323,379,307 and 354 of the Indian Penal
Code and Sections 3(i)(x) of the Scheduled Castes and



Scheduled Tribes Act.

Allegation in the complaint petition is that the appellants abused and assaulted to the complainant, suspecting that she is a Witch and had played Witchcraft.

Submission of the learned counsel for the appellants is that husband of the complainant was examined as enquiry witness alongwith another witness and a copy of the deposition of those witnesses has been called for from the learned court below which would reveal that husband of the complainant in reply to the court's question stated that there is land dispute between the parties, for that reason this case was lodged and there is no other reason. Learned counsel for the appellants further submits that co-accused-Yogendera Singh has been allowed anticipatory bail by a Coordinate Bench of this Court in Cr. Appeal (SJ) No.1617 of 2018.

Considering the entire facts 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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