

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2159 of 2018

Arising Out of PS.Case No. -33 Year- 2018 Thana -SC/ST District- EASTCHAMPARAN (MOTIHARI)

- =====
1. Govind Rai, son of Late Deoraj Rai
 2. Nandlal Rai, son of Late Deoraj Rai
 3. Suresh Rai, son of Govind Rai
 4. Naresh Rai, son of Govind Rai
 5. Bikau Rai @ Bikau Ra, son of Kishori Rai
 6. Sanjay Rai, son of Nandlal Rai
 7. Ajay Rai, son of Nandlal Rai
 8. Madeshwar Yadav @ Madheshwar Yadav @ Madeswar Rai, son of Late Ramanand Yadav
 9. Muneshwar Rai, son of Late Ramanand Yadav, All resident of Mohalla - Miscott, P.S. Town, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 04.06.2018 in A.B.P. No. 1457 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran, Motihari in connection with Motihari (SC/ST) P.S. Case No. 33 of 2018 registered under Sections 147, 149, 341, 323, 354B, 386, 504 of the Indian Penal Code as well as Sections 3(i)(d)(r)(s) of the SC/ST Act.

The FIR would reveal that for land dispute, there is



general and omnibus allegation against the appellants of commission of abuse and assault by taking caste name of the informant.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background and general and omnibus nature of allegation, 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/- (rupees 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.08.2018
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