

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2451 of 2018**

Arising Out of PS.Case No. -3 Year- 2018 Thana -SC/ST District- PATNA

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1. Kamal Kishore Ray, Son of Late Bira Ray, Resident of Village- Hatitola, P.S.-  
Maner, District- Patna.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Gopal Govind Mishra, Advocate

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 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 15.05.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.3113 of 2018, arising out of SC/ST Police Station Case No.3 of 2018, registered under Sections 147/148/149/448/341/323/324/307/379/354B/504/506 of the Indian Penal Code and Sections 3(i)(r)/3(1)(g)/3(1)(p)/3(1)(w)/3(1)(z)) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

For land dispute, specific allegation is against other individuals to have committed assault causing injury at the head of the



injured. Allegation against the appellant is of commission of theft of ornaments etc. of the informant.

Submission is that the allegation is ornamental one just to pressurize in land dispute.

Finding substance in the submissions aforesaid, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

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

**(Birendra Kumar, J)**

Mkr./-

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