

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3620 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- BALIYA District- Begusarai

1.Md. Shakil Son of Md. Majo.
2.Md. Bhola Son of Md. Majo.
3.Md. Hamid S/o Md. Majo.
4.Md. Rafique Son of Md.Shafique.
5.Md.Shahid Son of Md.Shafique.
6.Majo Mian Son of Late Budhan Mian.
7.Safo Mian Son of Late Budhan Mian.
8.Md.Kaiyum Son of Late Hano Mian
9.Md.Mokim Son of Late Hano Mian.
All Are R/o Husaina (Karari), P.S.-Balial, District-Begusarai.... ... Appellant/s
Versus

The State Of Bihar Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Sinha, Adv
For the Respondent/s : Mr. Binay Krishna,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

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 08.08.2018 in A.B.P. No.1684 of 2018 passed by the learned Special Judge SC/ST, Begusarai in connection with Balial P.S.Case No. 123 of 2018 registered under Sections 341,323,324,379,307 and 34 of the Indian Penal Code and Sections 3(x) of the Scheduled Castes and Scheduled Tribes Act.

Both sides are neighbours. Land dispute is going on between the parties, which would be evident from the order passed in Bihar Land Dispute Resolution Case No.22 of 2010 at Annexure-2. In the aforesaid background,



allegation is of commission of assault and theft by taking caste name.

Submission is that some other criminal cases were lodged by the same informant for the same dispute.

In the background of the allegation, chances of malafide prosecution cannot be ruled out, hence, 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 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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