

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1149 of 2018

Arising Out of PS.Case No. -14 Year- 2017 Thana -SC/ST District- BHAGALPUR

=====

1. Chandra Kishore Yadav, Son of Late Navi Yadav,
2. Lalan Yadav,
3. Deepak Yadav @ S.Kr. Yadav @ Deepak Kumar Yadav.
4. Dilip Yadav @ S.Kr. Yadav @ Dilip Kumar Yadav, All son of Chandra Kishore Yadav.
5. Awadh Kishore Yadav @ Awadhi Yadav, son of Late Beso Yadav.
6. Rahul Yadav.
7. Sikandar Yadav, Both sons of Abdhee Yadav.
8. Puso Yadav, Son of Bhola Yadav.
9. Amir Yadav, Son of Bhola Yadav.
10. Rohit Yadav @ Rohit, Son of Udho Yadav.
11. Ranjeet Yadav, Son of Jagrup Yadav, All resident of Village- Narkatiya, P.O. Gouripur, P.S. Kharik, District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rana Pratap Singh, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-09-2018

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 09.01.2018 in A.B.P. No.17 of 2018 passed by the learned IVth Additional Sessions Judge SC/ST Act, Bhagalpur in connection with SC/ST (Naugachia) P.S.Case No. 14 of 2017 registered under Sections 341, 323, 379, 147, 148,



149, 504, 506 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(g) of the Scheduled Castes and Scheduled Tribes Act.

A proceeding of Bataidari dispute is going on before the Collector, Naugachia under Section 48 of the B.T.Act between the parties. The FIR also reveals that the appellants had cut the ridge and amalgamated the land of the informant with their land. Informant claims to have purchased the same through registered sale deed. In the aforesaid background, allegation is of commission of abuse and assault as well as theft.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the background of allegation for the purpose of consideration of prayer for anticipatory bail, 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 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
Uploading Date	14.09.2018
Transmission Date	14.09.2018

