

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3204 of 2018

Arising Out of PS. Case No.-179 Year-2018 Thana- ALOULI District- Khagaria

Shambhu Yadav @ Shambhu Prasad Yadav Son of Ram Swaroop Yadav,
resident of Village- Imli, P.S. Alouli, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Binod Kumar, Adv
For the Respondent/s : Mr.Sri Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 02.08.2018 in A.B.A. No.50 of 2018 arising out of Alouli P.S.Case No.179 of 2018 passed by the learned Additional Sessions Judge 1st -cum-Special Judge, Khagaria registered under Sections 147,148,341,323,307,436,504 of the Indian Penal Code, 27 of Arms Act as well as under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

There is land dispute between the parties which would be evident from certain documents brought on the record through supplementary affidavit by the appellant and for that



reason altogether 12 person are named in the FIR. Allegation against some of them is general and omnibus of commission of injury at the head of different person. The Doctor has found simple injury, whereas allegation of commission of arson is specific against co-accused-Pramod Yadav. Some of the named person fired, however, no injury was caused to anyone. There is case and counter case between the parties. Appellant has stated on oath that he got no criminal antecedent.

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

Considering the entire facts of this case 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 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
this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2018
Transmission Date	22.12.2018

