

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4130 of 2018

Arising Out of PS. Case No.-108 Year-2018 Thana- BAKHTIARPUR District- Saharsa

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1. Indradeo Choudhary Son of Late Hiram Choudhary
 2. Usha Devi Wife of Indradeo Choudhary Resident of Village- & P.O-Mahkhar, P.S.-Bakhtiarapur, Distt.-Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 04.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa, in A.B.P. No.526 of 2018, arising out of Bakhtiarpur Police Station Case No.108 of 2018, registered under Sections 147/341/323/504/506/34 of the Indian Penal Code, Sections 25(1-b)a/27/35 of the Arms Act and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.1 Indradeo Choudhary has been arrested.

Hence, his prayer for anticipatory bail is infructuous now.



The FIR would reveal that there is dispute regarding claim over the referred land between the parties.

Considering the nature of allegation, let appellant No.2 Usha Devi, in the event of her 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./-

AFR/NAFR	NAFR
CAV DATE	NA
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