

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1546 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -GAYA MUFFSIL District- GAYA

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1. Ajeet Kahar @ Ajeet Kumar Kahar, Son of Ram Chandra Kahar,
 2. Sri Ashok Paswan @ Aslok Paswan Son of Bado Paswan, Both resident of Village- Gandhar, P.S.- Mufassil, District- Gaya.
 3. Chandan Yadav @ Chandan Kumar Son of Suresh Yadav, resident of Village- Manjhauli, P.S.- Mofassil, District- Gaya.
 4. Pankaj Yadav @ Pankaj Kumar, Son of Lal Yadav,
 5. Krishna Yadav, Son of Lakhan Yadav, Both resident of Village- Nauranga, P.S.- Mofassil, District- Gaya.
 6. Pankaj Chaudhary @ Pankesh Kumar Son of Vasudeo Chaudhary, resident of Village- Nauranga, P.S.- Mofassil, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 07.04.2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya, in connection with Muffasil Police Station Case No.34 of 2018, registered under Sections 147/148/341/323/307 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(g)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, co-accused Suresh Paswan who is himself a member of scheduled caste, and is already in custody, along



with his criminal associates attempted to grab the land of the informant. For that reason specific allegation against the appellants is of firing which caused no injury.

Submission is that the appellants were working on the land of Suresh Paswan which Suresh Paswan had purchased and for that reason they have falsely been implicated in this case. The appellants have got no criminal antecedent.

Finding substance in the aforesaid submission, 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 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 the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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