

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2142 of 2018

Arising Out of PS.Case No. -254 Year- 2017 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Shyam Yadav, Son of Late Jangal Yadav, Resident of Mathurapur Kabirchak,
P.S.- Sadar, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankan Kumar Das, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 24.05.2018 in A.B.P. No.599 of 2018 passed by the learned Sessions Judge, Darbhanga in connection with Sadar P.S.Case No. 254 of 2017 registered under Sections 147, 148, 149, 323, 385, 504, 506 of the Indian Penal Code as well as under Sections 3(1)(g) of the Scheduled Castes and Scheduled Tribes Act.

The appellant is not named in the FIR rather his brother-Ram Babu Yadav is named in the FIR.

By filing document of title through supplementary



affidavit, learned counsel for the appellant submits that there is bonafide land dispute between the parties.

Considering the aforesaid fact as well as the fact that the offences of the Indian Penal Code alleged against the appellant are mostly bailable, 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 both bailors shall be resident of territorial jurisdiction of the learned court below 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
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