

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3010 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- RAJAON District- Banka

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1. Prakash Sah @ Prakash Chandra Sah, Son of Late Bhagwat Sah.
 2. Bhour Sah @ Ramesh Sah, son of Late Bhagwat Sah, Both are Resident of Village- Naya Tola Bakhadda, P.S. Rajoun, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Nandad Prasad
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 21.07.2018 passed by the learned Additional Sessions Judge-I, Banka in A.B.P. No.732 of 2018, arising out of Rajoun Police Station Case No.139 of 2018 registered under Sections 341, 379, 504, 506 of the Indian Penal Code and Sections 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellants had moved this Court for removal of encroachment from public land as well as land of the appellants, vide Plot No.644 in C.W.J.C. No.6764 of 2014. The said writ application was disposed of on 29.01.2018 with direction to the District Magistrate, Banka to complete the exercise under his supervision.



Thereafter, this F.I.R. was lodged with allegation that on 20.02.2018 removal of encroachment from the public land was going on. The articles of the informant was also removed, however, the appellants took them on their tractor and fled away.

Considering the background of allegation as well as nature of allegation and statement of the appellants on oath that they have got no criminal antecedent, 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

