

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3330 of 2018**

Arising Out of PS. Case No.-205 Year-2018 Thana- DHAMDAHA District- Purnia

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1. Sintu Yadav, S/o Ramesh Chandra Raman.
  2. Amresh Yadav, S/o Sudhir Yadav,
  3. Tej Narayan Ram, S/o. Late Samlu Ram, All are Resident of Village- Bajraha, P.S.- Dhamdaha, District- Purnea.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 04-12-2018**

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 07.08.2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Purnea, in A.B.P. No.56 of 2018, arising out of CIS No.56 of 2018, registered under Sections 302/120B/34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Due to land dispute between the informant and co-accused Ramesh Chandra Raman suspicion is that murder of



the husband of the informant was committed by the appellant and others. Though the FIR discloses a case of dying declaration but the same does not inspire confidence for the purpose of consideration of this prayer for anticipatory bail for the reason that first the Dewar of the informant came to the house and informed that the husband of the informant is lying near the canal. Thereafter, daughter of the informant went there and by gesture the deceased disclosed that ten persons have turtled his neck which included Ramesh Chandra Raman, appellant Sintu Yadav and Amresh Yadav. There is no evidence that the appellants were there at the place of occurrence when the deceased made the aforesaid disclosure. Hence, it is not believable that by gesture name of few persons out of ten had been disclosed by the deceased.

Learned counsel for the informant opposed the prayer for bail on the ground that at least for the purpose of consideration of anticipatory bail there is sufficient material disclosed in the FIR against the appellants.

Considering the fact as discussed above there is no substantial material against the appellant to compel them to go to jail, 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./-

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