

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1376 of 2018

Arising Out of PS.Case No. -80 Year- 2016 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Rakesh Kumar, Son of Dinesh Kumar,
2. Annu Priya, Wife of Rakesh Kumar,
3. Dinesh Kumar, Son of Late Jai Govind Prasad, All resident of Mohalla- Atardah
(In front of Shahu Market), P.S.- Sadar, District- Muzaffarpur..... Appellant/s
Versus

1. The State of Bihar.
2. Santosh Kumar, Son of Nagadas, R/o Village-Orient Club, Prajapti Brahma
Kumari Lane, Near Kali Mandir, P.S.-Kazi Mohammadpur, District-
Muzaffarpur. At present R/o Village-Atrdah Anand Marg Near Govt. School,
P.S.-Sadar, District-Muzaffarpur. Respondent/s

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Appearance :

For the Appellant/s : Mr. Hans Lal Kumar, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-07-2018

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 12.02.2018 passed by the learned 10th Addl. Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur in connection with Complaint Case No.80 of 2016, Trial No.138 of 2017 registered under Sections 323,341 of the Indian Penal Code and Sections 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act.

The allegation of abuse and assault is in the background of an oral agreement for sale of land, coupled with



payment of Rs.12 lacs as consideration money without any proof of payment of the same.

Learned counsel for the complainant opposed the prayer for anticipatory bail.

Considering the background of allegation and nature of allegation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each 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 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2018
Transmission Date	27.07.2018

