

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4056 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- SC/ST District- Nalanda

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1. Kapil Yadav, Son of Sita Yadav,
 2. Anil Yadav, Son of Sita Yadav,
 3. Balbir Yadav, Son of Kapil Yadav,
 4. Dukhi Yadav, Son of Late Shyma Sundar Yadav,
 5. Mahesh Yadav, Son of Bhonu Yadav,
 6. Mithu Yadav, Son of Arjun Yadav,
 7. Brij Yadav @ Pandit, Son of Shibalak Yadav, All resident of Village - Saidalli, P.S. - Rahui, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 18-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 24.08.2018 in A.B.P. No. 2961 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Nalanda at Bihar Sharif in connection with Nalanda Sadar SC/ST P.S. Case No. 43 of 2018 registered under Sections 147, 149, 504, 506, 379 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(1)(r)(s)(t) of the SC/ST Act.

The occurrence of assault and theft was allegedly



committed by the appellants due to dispute of claim over the place of worship. Appellants have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the general and omnibus 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 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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