

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.552 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- DHAKA District- East Champaran

1. MD. SAFE @ SAFE KABIR Son of Kavir Ahmad
 2. Md. Sahid @ Md. Sahid Alam Son of Dabir Ahmad
 3. Md Jahid Son of Dabir Ahmad
 4. Md. Sahin Eqbal @ Md. Sahin Son of Kavir Ahmad
 5. Md. Sabir @ Sabir Ahmad Son of Late Akhtar Hussain
- All are resident of Village - Barharwa Lakhansen, P.S.- Dhaka, District - East Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Kumar
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 25-02-2019

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 10.1.2019 passed in A.B.P. no.2200 of 2018 arising out of Dhaka P.S. Case No.264 of 2018 for the offences punishable under Sections 341, 323, 504, 506, 307/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (Prevention of Atrocities) Act by the learned 1st Addl. District and Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari,



whereby and where-under, the appellants application for grant of anticipatory bail has been rejected.

Allegation against the appellants is that the appellant no.2 has abused the informant and appellant nos.3 and 5 have assaulted him causing injury to him. It appears that the dispute is with respect to construction of house over the land.

Submission of the learned counsel for the appellants is that there is land dispute between the parties and the informant is not owner of the land rather it has been filed at the instance of Nek Mohammad through the informant and earlier he had got a case filed against the Officer Incharge of Dhaka Police station through the informant and allegations are ornamental in nature.

No body appears on behalf of the State.

Having heard both sides, considering the facts and circumstances of the case, this appeal is allowed and the impugned order is set aside, let the appellants, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. District and Sessions Judge cum Special Judge, SC/ST Act, East Champaran at Motihari in



connection with Dhaka P.S.Case No.264 of 2018 subject to
condition as laid down under Section 438 of Cr.P.C.

(Vinod Kumar Sinha, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

