

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1489 of 2019**

Arising Out of PS. Case No.-15 Year-2018 Thana- SC/ST District- Kishanganj

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1. Suddho Miyan @ Md. Majebul
 2. Ebrahim Miyan
Both sons of Md. Lalu Miyan @ Lal Mohammad.
 3. Md. Moeinuddin @ Md. Moein Son of Ebrahim Miyan.
All Resident of Village - Khagra Paswan Tola, P.S.- Kishanganj, Distt.-
Kishanganj.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Amal Kumar Sinha
For the Respondent/s	:	Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 15-04-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 13.03.2019 passed by the learned 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, Kishanganj in connection with Kishanganj SC/ST P.S.Case No. 15 of 2018 registered under Sections 323, 341, 354, 379, 406, 420, 504 and 506/34 of the Indian penal Code and Sections 3(i)(r)(s)(w)(i)(z)/3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per written report is that informant has gone



to Punjab and as such he had asked the appellant no. 1 to look after his land and house. Further allegation is that later on, appellant no. 1 and his son came at Punjab and got his signature on the pretext for preparing *Lal Card*, however, when informant came from Punjab he saw that his house was got demolished and when he raised objection about the same, all appellants and other accused persons abused him by caste name and assaulted him.

Submission of learned counsel for the appellants is that there is no specific allegation against any of the appellants and whole allegation is false and concocted.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, so far appellant no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far appellants no. 2 and 3 are concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this



order, they are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees 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, Kishanganj in connection with Kishanganj SC/ST P.S.Case No. 15 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant nos. 2 and 3.

Accordingly, the appeal stands disposed of.

(Vinod Kumar Sinha, J)

suji/-

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CAV DATE	
Uploading Date	
Transmission Date	

