

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4084 of 2018

Arising Out of PS. Case No.-50 Year-2018 Thana- MUSAHARI District- Muzaffarpur

1. Pankaj Thakur
2. Rama Shankar Thakur
3. Akhilesh thakur @ Laltu Thakur
All the above are sons of Birendra thakur
4. Prabhu Thakur @ Mukesh Thakur @ Mukesh Kumar thakur son of Arun Thakur
5. Sanjay Rai sono of late Yogendra Rai
6. Shivam Rai @ Shivam Kumar son of Sanjay Rai
7. Tinku Thakur @ Ghanshyam Thakur @ Ghanshyam Kumar son of Ram Shankar Thakur @ Ramshankar Thakur
all are resident of village Athar, P.S. Mushahari, District Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-01-2019

In view of the fact that both the parties have appeared
to hear this appeal on merit.

The Interlocutory Application No.3180 of 2018 is
allowed and the limitation is condoned.

By way of this memo of appeal, preferred under Section
14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of
Atrocities) Act, 1989, appellant seeks for setting aside the order
dated 6.6.2018 passed in Mushahari P.S.Case No.50 of 2018
dated 8.3.2018 for the offences punishable under Section 147,
149, 323, 324, 307,427, 379 and 504 of the Indian Penal Code



and Section 3(i)(r)(s) of SC/ST Act by the learned 11th Addl District and Sessions Judge cum Spl. Judge SC/ST Act, Muzaffarpur whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

Allegation against the appellants and the other accused persons is of harvesting the crop of the informant and when the police came there the appellant no.1 assaulted by farsa and appellant no.5 assaulted by iron rod to them and there are allegations of assault against the other appellants also as well as there is also allegation is of abusing by caste name.

Submission of the learned counsel for the appellants is that there is land dispute and the appellants' side have lodged a Title Suite against the government in which the informant and the others are intervener being Parcha holder and there are cases going on between the parties.

Heard learned Special P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that in front of the police party they have assaulted and there is specific allegation against the appellant no.1 and 5 of assault..

Having heard both sides, considering the facts and circumstances of the case, so far appellant nos.1 Pankaj Thakur



and 5. Sanjay Rai are concerned, I am not inclined to grant bail to the appellant no.1 and 5 as such the prayer for anticipatory bail against the appellant nos. 1 and 5 is dismissed, however, so far the appellant no.2 Rama Shankar Thakur, 3. Akhilesh Thakur @ Laltu Thakur, 4. Prabhu Thakur @ Mukesh Thakur @ Mukesh Kumar Thakur, 6. Shivam Rai @ Shivam Kumar and 7. Tinku Thakur @ Ghanshyam Thakur is concerned, this appeal is allowed and the impugned order is set aside against them, let the appellants, above named, in the event of their 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 Spl. Judge, SC and ST (POA) Act, Muzaffarpur in connection with Mushahari P.S.Case No.50 of 2018, subject to condition as laid down under Section 438 of Cr.P.C.

Accordingly, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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