

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4499 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- SC/ST District- Patna

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1. Sumant Singh Son of late Raghunandan Singh
 2. Hemant Singh, Son of late Raghunandan Singh
- Both Residents of Village- Rawaich, P.S. Bakhtiyarpur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Lal Babu Singh

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 24-01-2019

At the very outset, learned counsel for the appellants submits that during the pendency of this appeal, appellant no. 1 has been arrested. In such view of the matter, this appeal against appellant no. 1 is dismissed as withdrawn.

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 08.10.2018 passed by learned Special Judge, SC/ST-cum-Additional Sessions Judge-IV, Patna in ABP No. 7270 of 2018 arising out of SC/ST P.S.Case No. 27 of 2018 registered under Sections 120B, 341, 323, 366, 420, 467, 471, 504 and 506 of the Indian penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



1989.

Allegation as per the FIR is that informant has purchased land from the appellant no. 1 however possession was not given to him and when after five years, he asked to give possession over the land, he was abused by caste name and was assaulted by fists and slaps.

Submission of learned counsel for the appellants is that possession of the land has already been given and no specific allegation has been attributed against the appellant no. 2 or any other accused persons by abusing caste name.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant no. 2, 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, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST-cum-Additional Sessions Judge-IV, Patna in ABP No. 7270 of 2018 arising out of SC/ST P.S.Case No. 27 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 no. 2.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

