

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4122 of 2019

Arising Out of PS. Case No.-224 Year-2019 Thana- BAJPATTI District- Sitamarhi

1. Surendra Thakur @ Shailendra Thakur, aged about 45 years (M), S/o Laxmi Thakur
2. Raushan Thakur, aged about 22 years (M), S/o Surendra Thakur
3. Laxmi Thakur, aged about 58 years, (M), Son of Late Balchan Thakur All Resident of Village- Madhopur Chaturi, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellants

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Adv.
For the Respondent/s : Mr.Usha Kumari 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 16-11-2019 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities) Act, against the refusal of prayer for anticipatory bail by order dated 30.08.2019 passed by learned ADJ 1st-cum- Special Judge (SC/ST Act) Sitamarhi in connection with A.B.P. No. 1624 of 2019/160 of 2019 in connection with Bajpatti P.S. Case No. 224 of 2019 , registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/St Act.

Informant in his written complaint has stated that on 09.07.2019 at about 10:00 A.M. measurement was being done by the Amin of the agricultural lands of informant and



Surendra Thakur, meanwhile Surendra Thakur started abusing his younger son Manish Ram and when he went to pacify them appellant Surendra Thakur, Raushan Thakur and father of Surendra Thaur, Laxmi Thakur started abusing and assaulting him and when his son and wife came to rescue him hey also assaulted them and also abused him. There is allegation against Surendra Thakur who abused him by his caste name.

It has been submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case due to land dispute between the parties. The allegations are general and vague in nature in order to constitute any offence under SC/ST Act. The nature of injuries are simple in nature.

Considering the facts and circumstances of the present case, let appellants, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions :

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bonds shall be cancelled by the court below.

(3) If the appellants tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellants.

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

(S. Kumar, J)

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