

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4366 of 2018

Arising Out of PS. Case No.-393 Year-2018 Thana- KAHALGAON District- Bhagalpur

Lalu Jha @ Rajan Kumar Jha, Son of Late Vasudeo Jha, Resident of Village-
Goughatta, Police Station- Buddhu Chak, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 15.09.2018 passed by the 3rd Additional District and Sessions Judge-cum-Spl. Judge SC/ST Act, Bhagalpur in ABP No. 2015 of 2018 arising out of Kahalgaon (Shiv Narayanpur) P.S.Case No. 393 of 2018 registered under Sections 147, 148, 323, 341, 504 and 506 of the Indian penal Code and Section 3(v)w(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation as per the FIR is that due to irrigation of land by the appellant, water entered inside the field of the informant causing damage of his crops and when he protested upon, accused persons assaulted the informant by the butt portion of



the country made gun and also made indiscriminate firing.

Submission of learned counsel for the appellant is that there is general and omnibus allegation and nothing has been attributed against the appellant and there is no allegation of abusing by any caste name.

Heard learned Spl. P.P and the learned counsel appearing on behalf of the informant, who have opposed the prayer of anticipatory bail stating that petitioner has hand in cheating the informant as he has purchased the same land and sold to other co-accused.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, abovenamed, 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 3rd Additional District and Sessions Judge-cum-Spl. Judge SC/ST Act, Bhagalpur in ABP No. 2015 of 2018 arising out of Kahalgaon (Shiv Narayanpur) P.S.Case No. 393 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that



appellant shall co-operate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

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

(Vinod Kumar Sinha, J)

sujit/-

U		T	
---	--	---	--

