

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4646 of 2019

Arising Out of PS. Case No.-825 Year-2019 Thana- NAWADA District- Nawada

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1. Suraj Kumar Son of Birendra Malakar, R/o Village- Ranihatti, P.S.- Kadirganj O.P., District- Nawada.
 2. Saro Devi Wife of Birendra Malakar, R/o Village- Ranihatti, P.S.- Kadirganj O.P., District- Nawada.

... .. Appellants

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-11-2019 Heard learned counsel for the appellants and learned
Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 26.08.2019 passed in A.B.P. No. 1208 of 2019 arising out of Nawada (Kadirganj) P.S. Case No. 825 of 2019 registered under Sections 341, 323, 324, 308, 504, 24 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellants has been rejected by the learned 1st Additional Sessions Judge, Nawada.

Learned counsel for the appellants submits that the



appellants are innocent and they have committed no offence and they have falsely been implicated in this case due to land dispute. Learned counsel for the appellants further submits that there is no specific allegation against them of causing any assault on the informant's side as also that these appellants have no criminal antecedent.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the facts and circumstances of the case, wherein it appears that the parties had indulged in the alleged occurrence on account of a land dispute and so far as these two appellants are concerned, there is no specific allegation against them of causing any assault on the informant's side as also that these appellants have no criminal antecedent, the impugned order dated 26.08.2019 passed in A.B.P. No. 1208 of 2019 arising out of Nawada (Kadirganj) P.S. Case No. 825 of 2019 by learned 1st Additional Sessions Judge, Nawada is set aside. The appeal is allowed.

Let the appellants above named, in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the



satisfaction of learned 1st Additional Sessions Judge, Nawada in connection with Nawada (Kadirganj) P.S. Case No. 825 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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