

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4344 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- SC/ST BETTIAH District- West
Champaran

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Shyambabu Prasad @ Shyam Babu Gupta, Son of Late Thakur Prasad,
Resident of Village+ P.S.-Sikta, District - West Champaran, Bettiah.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brij Kishor Mishra

For the Respondent/s : Mr.Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-02-2019

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 25.08.2018 passed by the learned Addl. Sessions Judge 1st -cum- Special Judge, Bettiah, West Champaran in ABP No. 1355 of 2018 arising out of Bettiah Sadar SC/ST P.S.Case No. 18 of 2018 registered under Sections 323, 341, 385 and 504 of the Indian penal Code and Sections 3(i)(r)(g)(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant is of abusing the informant by taking caste name and trying to dispossess him from the land.

Submission of learned counsel for the appellant is that a



proceeding under Section 107 Cr.P.C. has already been initiated between the parties as and there is land dispute between them and due to that the allegation of abusing by caste name has been mentioned to make the case serious.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant, 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 Addl. Sessions Judge 1st-cum-Special Judge, Bettiah, West Champaran in ABP No. 1355 of 2018 arising out of Bettiah Sadar SC/ST P.S.Case No. 18 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 him.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

