

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5559 of 2019**

Arising Out of PS. Case No.-116 Year-2018 Thana- SINGHWARA District- Darbhanga

MITHILESH SHARMA S/o Ruplal Sharma R/o village- Rampura, Mirzapur
Jagni, P.S.- Singhwara, District- Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Kumar, Adv

For the Respondent/s : Mrs.Usha Kumari 1, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 17-12-2019

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 08.11.2019 in A.B.P. No.1662 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Darbhanga in connection with Singhawara P.S.Case No. 116 of 2018 registered under Sections 379,504,34 of the Indian Penal Code as well as under Sections 3(x) of the Scheduled Castes and Scheduled Tribes Act.

The appellant had purchased a tree from Tej Narain Thakur and others. The said tree was standing on Plot Nos.5550,5558 and 5530 of the informant. After purchasing the tree, the appellant cut away the same.



Submission is that in fact the tree was of Tej Narain Thakur and Tej Narain Thakur has already been allowed anticipatory bail by a Coordinate Bench of this Court vide Annexure-2.

Considering the nature of allegation and lack of material that the said plot was of the informant, let the appellant, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellant shall fully cooperate with the investigation of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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