

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.406 of 2020

Arising Out of PS. Case No.-97 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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ARUN KUMAR CHOUDHARY Son of Late Rajendra Choudhary Resident
of Village - Jaijpatti, P.S.- Dalsingsarai, Distt - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusheshwar Ram Son of Late Sabuji Ram Resident of Village - Bhatgama,
P.S.- Dalsingsarai, Distt - Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Bhavesh Kumar, Adv
For the Respondent/s : Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-02-2020 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 03.01.2020 in A.B.P. No.3118 of 2019 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Protest Complaint Case No.97 of 2018(Trial No.1065 of 2018) arising out of Samastipur SC/ST P.S.Case No.05 of 2017 registered under Sections 209,211,504,506 of the Indian Penal Code as well as under Sections 3(1)(r)(s) and 3(2) (Va) of the Scheduled Castes and Scheduled Tribes Act.

The apparent land dispute between the parties is



evident from the facts that Parcha issued in the name of complainant was cancelled at the instance of the appellant by the Bihar Land Tribunal, Patna vide order at Annexure-3. Prior to the alleged date of occurrence dated 27.12.2016, when appellant asked the complainant to remove Hut etc from the disputed land and for that reason abuse and assault is alleged against the appellant.

Considering the background of allegation, non-grant of protection to the appellant would amount to miscarriage of justice, hence, 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/trial of the case and also the appellant shall not leave the country without permission of the learned Trial Court, 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)

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