

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3707 of 2019

Arising Out of PS. Case No.-160 Year-2019 Thana- SUGAULI District- East Champaran

Alamgir Alam S/o Late Sahadat Miyan R/o village- Sripur Bhatwaliya, P.S.-
Sugauli, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 25-02-2020 Heard learned counsel for the parties.

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 for anticipatory bail vide order dated 01.08.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), East Champaran at Motihari, in connection with Sugauli Police Station Case No.160 of 2019, registered under Sections 341/342/323/324/354/379/307/504/506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It appears that there is bonafide land dispute between the parties. Appellant has purchased the FIR referred plot



through a registered sale deed dated 09.08.2012 from Amana Khatoon. The same plot was purchased by the informant in the year 2018 from the uncle of the appellant. The referred land is the reason for allegation of commission of abuse and assault.

Learned counsel for the informant submits that prima facie accusation is there of commission of offence under the SC/ST Act. Hence, bar under Section 18 of the Act is applicable.

Considering the background of the allegation and the fact that the dispute is for property between the parties and not for the reason that appellant belongs to scheduled caste, 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the 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 as well as condition that the appellant shall fully cooperate with the investigation/trial of the case, failing



which the court below shall be at liberty to cancel the bail bond of the appellant.

The appellant shall not leave the country without permission of the trial Court.

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

(Birendra Kumar, J)

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