

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4358 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- JAMHOR District- Aurangabad

-
1. GANESH YADAV Son of Nithali Yadav
 2. Mahendra Yadav
 3. Sahendra Yadav
Both are Sons of Ganesh Yadav
 4. Murari Bhagat
 5. Ajay Bhagat
 6. Santosh Bhagat
All three 4 to 6 are Sons of Dudheshwar Bhagat
 7. Vinay Bhagat @ Vinay Kumar Son of Lallan Bhagat
 8. Dhananjay Pal
 9. Bhola Pal @ Brahamdeo Pal
 10. Manish Pal @ Manish Kumar Pal
 11. Ram Suresh Pal @ Ram Asre Pal @ Ram Sares Pal
All 8 to 11 are Sons of Kirit Pal @ Kirit Bhagat
 12. Lallu Pal Son of Satyendra Pal
All appellants are Resident of Village- Bhuwapur, P.S.- Jamhor, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 20-02-2020 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 30.08.2019 in A.B.P. No.964 of 2019 arising out



of Jamhor P.S.Case No.91 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Aurangabad registered under Sections 341,323,504,506/34 of the Indian Penal Code and Sections 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

A civil dispute is going on between the parties before the Deputy Collector, Land Reforms, Aurangabad vide Land Dispute Case No.31 of 2016-17.

In the aforesaid background, allegation is that when the informant was ploughing his field, the appellants came and obstructed and committed abuse and assault.

Learned counsel for the appellants submits that D.C.L.R. had ordered for demarcation of the disputed land vide order at Annexure-3 and the informant had given undertaking before the D.C.L.R. that no one would encroach upon the land of each other till measurement in spite of that informant was forcefully ploughing the field.

Considering the background of allegation, the appellants deserve protection to prevent miscarriage of justice, hence, let the appellants, above named, in the event of their 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) each 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 appellants shall fully cooperate with the investigation/trial of the case and also the appellants 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 appellants.

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

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

