

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4643 of 2019

Arising Out of PS. Case No.-169 Year-2019 Thana- KALYANPUR District- Samastipur

SHIV KUMAR SHARMA Son of Gauri Sharma Resident of Village- Bakhri,
P.S.- Kalyanpur, District- Samastipur, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ugranath Mallik, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 17-02-2020 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 31.08.2019 in A.B.P. No.2174 of 2019 arising out of Kalyanpur P.S.Case No.169 of 2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Samastipur registered under Sections 323,341,447,504/34 of the Indian Penal Code as well as under Sections 3(1)(r),3(1)(S),3(2)(Va)/4 of the Scheduled Castes and Scheduled Tribes Act.

Submission is that the FIR would itself reveal that entire allegation is in the background of land dispute between the parties. The civil dispute arose in Title Suit No.147 of 1962 wherein grandfather of the informant lost and thereafter Title



Appeal No.62 of 1967 was preferred which was also dismissed.
Still the informant wrongfully claims over the said land.

Considering the background of allegation, the appellant deserves protection of law otherwise it would amount to failure 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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