

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4613 of 2019**

Arising Out of PS. Case No.-102 Year-2019 Thana- HASPURA District- Aurangabad

1. Santosh Kumar Son of Late Kameshwar Prasad @ Late Kameshwar Yadav
2. Prabha Devi Wife of Santosh Kumar
3. Rakesh Yadav @ Rakesh Kumar Son of Late Kameshwar Prasad @ Late Kameshwar Yadav
4. Rinku Devi @ Pinki Devi Wife of Rakesh Yadav @ Rakesh Kumar
All Resident of Village-Gawaspur, Police Station-Haspura, District-
Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar Singh, advocate
For the Respondent/s : Mrs.Usha Kumari 1, SPP

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

4 14-02-2020 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 11.09.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Aurangabad, in connection with Huspura Police Station Case No.102 of 2019, registered under Sections 341/323/504/379 of the Indian Penal Code and Sections 3(i) (r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



For land dispute allegation is that the appellants abused and assaulted to the informant. The allegation is general and omnibus. There is case and counter case between the parties. The appellants have got no criminal antecedent.

Since the occurrence did not take place for the reason that the informant was a member of the scheduled caste; rather it is alleged in the background of land dispute between the parties. Hence, non-grant of anticipatory bail to the appellants would result in failure of justice.

Considering the aforesaid facts, 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 appellants 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 appellants.

The appellants 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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