

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4733 of 2019

Arising Out of PS. Case No.-209 Year-2019 Thana- PATEPUR District- Vaishali

1. MD. AFZAL Son of Md. Iliyas @ Eyeyas
2. Md. Imteyaz Son of Late Md. Habib @ Habib
3. Md. Mumtaz Son of Late Md. Habib @ Habib
4. Md. Mustafa @ Raja @ Mustaque Ahmad Son of Late Md. Habib @ Habib
All Resident of Village - Dadhua, P.S.- Patepur, District- Vaishali

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Md.Imteyaz Ahmad, Advocate Mr. Udbhav, Advocate
For the Respondent/s	:	Mr. Vinay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 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 01.10.2019 passed by the learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T. Act), Vaishali at Hajipur, in connection with Patepur Police Station Case No.209 of 2019, registered under Sections 341/323/435/504/354/147 of the Indian Penal Code and Sections 3(i) (r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Title Suit No.1438 of 2017, for land dispute, is going on between the parties in the Court of Sub-Judge V, Vaishali at Hajipur. One of the appellants is plaintiff to the suit. In the background of the aforesaid dispute allegation is that on 29.08.2019 the appellants variously armed came and burnt the hut of the informant and committed abuse and assault.

Submission is that concocted allegation is there just to pressurize in the civil dispute. There is counter case also.

Considering the background of the allegation non-grant of protection to the appellants would amount to failure of justice, 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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