

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4982 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- SC/ST District- Araria

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1. MAHABIR SHARMA Son of Balram Sharma Resident of Mela Road, Ward No. 01, P.S.- Forbesganj, Distt - Araria
 2. Balram Sharma Son of Late Ramaswarup Sharma Resident of Mela Road, Ward No. 01, P.S.- Forbesganj, Distt - Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr.Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 18-02-2020 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 21.08.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Araria, in connection with Special (SC/ST) Case No.65 of 2019, arising out of Araria (SC/ST) Police Station Case No.39 of 2019, registered under Sections 341/323/379/504/506/34 of the Indian Penal Code and Section 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is land dispute between the parties in respect of FIR mentioned Plot No.158 under Khata No.12. The appellants claimed the said land by purchase through registered sale deed dated 07.02.2011 from Ram Nath Bhagad, a copy of the sale deed at Annexure-P/2.

Since the appellant has bonafide claim over the referred land, the appellants deserve protection of law 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 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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