

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4987 of 2019

Arising Out of PS. Case No.-279 Year-2014 Thana- CHHATAPUR District- Supaul

1. LAXMI DEVI Wife of Umesh Yadav
2. Dipak Yadav Son of Umesh Yadav
3. Bedo Yadav @ Bedanand Yadav Son of Lage Jageshwar Yadav
All Resident of Village - Karahara, P.S.- Chhatarpur, Distt - Supaul.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pranav Kumar, Adv
For the Respondent/s	:	Mr.sUsha Kumari 1, APP
For the Informant	:	Mr.Prafull Chandra Thakur, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 14-02-2020 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 04.09.2019 in A.B.P. No.995 of 2019 arising out of Chhatarpur P.S.Case No.279 of 2014 corresponding to SC/ST Case No.168 of 2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge SC/ST, Supaul registered under Sections 147,341,323,354 and 504 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Title Suit No.55 of 1994 is going on between the



appellants and vendor of the complainant namely Misri Lal Yadav and others for partition of the family property.

In the aforesaid background, the complaint based FIR reveals that the complainant had purchased the referred plot from Misri Lal Yadav and others through registered sale deed and for that reason appellants committed abuse and assault as well as theft of bamboos from the bamboo clump on the said land.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that direct and specific accusation is there against the appellants.

Considering the background of allegation and the fact that the occurrence did not take place for the reason that the complainant was a member of the scheduled caste rather it took place for the property dispute between the parties, non-grant of protection to the appellants would amount to failure 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)

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