

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4814 of 2019**

Arising Out of PS. Case No.-546 Year-2016 Thana- KHAJANCHI HAT District- Purnia

1. PURUSHOTTAM YADAV Son of Bechan Rishi
2. Uttam Yadav @ Uttam Kumar Yadav Son of Bechan Yadav
3. Pinki Devi Wife of Purushottam Yadav
4. Pramila Devi @ Surmala Devi Wife of Bechan Yadav
5. Pritam Yadav Son of Bechan Yadav
All Resident of Village - Krishnapuri Yadav Tola, P.S. - K. Hat (Madhubani),
District - Purnea.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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

3 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 03.09.2019 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Purnea, in A.B.P. No.66 of 2019, arising out of K. Hat (Madhuban) Police Station Case No.546 of 2016, registered under Sections 448/341/323/354/379/504/506/34 of the Indian Penal Code and Sections 3(i)/(w)(ii)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Submission is that a proceeding under Section 144 Cr.P.C. was initiated between the parties to prevent the apprehension of breach of peace arising out of the possession over the referred land, a copy of the notice at Annexure-4 would show the aforesaid dispute between the parties.

In the aforesaid background the offences alleged in the FIR are mostly bailable and the allegation have been cooked up just to pressurize in the land dispute.

Considering the background of allegation, in my view, the appellant deserves protection of law to prevent the miscarriage 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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