

**(2018) 12 PAT CK 0028**

**In the Patna High Court**

**Case No : Criminal Appeal (SJ) No. 3604 Of 2018**

Ajay Bhagat S/o. Late Kailash Bhagat

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision : 10-12-2018**

**Acts Referred:**

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(i)(r)(s)(g), 14(A)(2)  
Code of Criminal Procedure, 1973 — Section 438(2)  
Indian Penal Code, 1860 — Section 147, 149, 341, 427, 504, 506

**Citation : (2018) 12 PAT CK 0028**

**Hon'ble Judges : Birendra Kumar, J**

**Bench : Single Bench**

**Advocate : Babu Nandan Prasad, Binay Krishna**

**Final Decision : Allowed**

## **Judgement**

BIRENDRA KUMAR, J

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 24.08.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in Registered Case No.40 of 2018, arising out of SC/ST Dehri Police Station Case No.16 of 2018, registered under Sections 147/149/341/427/504/506 of the Indian Penal Code and Sections 3(i)(r)(s)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Land dispute Case No.53 of 2017-18 is going on between the parties before the DCLR, Sasaram. Both sides are claiming the same land. There is case and counter case.

Allegation in the present FIR is that the appellants forcefully fished out from the referred pond, which was of the informant.

Learned counsel for the informant opposed the prayer for bail on the ground that the pond is a raiyati pond of the informant.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out. Moreover, the appellants have got no criminal antecedent. 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.

Accordingly, the impugned order is set aside and the appeal is allowed.