

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1386 of 2017

Arising Out of PS.Case No. -304 Year- 2016 Thana -SAHPUR District- BHOJPUR

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1. Asamu Ansari Son of Karim Ansari
2. Sonu Kamkar Son of Triloki Kamkar
3. Deepak Yadav, Son of Baban Yadav, All Resident of Village-
Bahoranpur, Tilkapur, P.S.- Sahpur, (Bahoranpur O.P.), District- Bhojpur.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

Appearance :

For the Appellant/s : M/s Anil Kumar and Jitendra Kr. Singh, Adv.

For the Respondent/s : Sri Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-07-2017 This appeal is for grant of anticipatory bail in connection with Sahpur (Bahoranpur) P.S. Case No. 304 of 2016 registered for the offence under section(s) 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and section(s) 3 (i) (r) (s) of the SC/ST Act.

Submission of the learned counsel for the appellants is that so far as the allegation against the appellants is concerned, no case is made out under the provisions of section 3 of the SC/ST (POA) Act, though there is an allegation against appellant no. 2 of assaulting, but the case is made under section 323 and other sections of the Indian Penal Code.

Heard learned Special Public Prosecutor also.
Learned Special Public Prosecutor could not bring any fact to my



attention showing that the case is made out under the provisions of section 3 of the SC/ST Act.

Having heard both sides and in view of the facts and circumstances, as stated above, this appeal is allowed and the impugned order is set aside.

Let the appellants, above named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, -XIV, Bhojpur, Ara in connection with Sahpur (Bahoranpur) P.S. Case No. 304 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on



two consecutive dates without showing any genuine rhyme or reasons, the prosecution will have liberty to move for cancellation of their bail.

Mahesh/-

(Vinod Kumar Sinha, J)

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