

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2221 of 2018

Arising Out of PS.Case No. -149 Year- 2018 Thana -SAHARSA District- SAHARSA

=====

Vivek @ Vivek Kumar @ Vivek Kumar Anand @ Vivek Anand, Son of Arbind
Prasad Das @ Arbind Das, Resident of Gandhi Path, Ward No. 9, Police Station –
Sadar Saharsa, District - Saharsa

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 20.04.2018 in SC/ST Case No. 23 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saharsa in connection with Saharsa Sadar P.S. Case No. 149 of 2018 registered under Section 307/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(1)(r)(s) of the SC/ST Act.

The appellant was driving the motorcycle on which back seater was co-accused Chandan Singh. Allegation is that



Chandan Singh fired from behind the informant causing injury at the back of the informant.

Learned Additional Public Prosecutor opposed the prayer for bail.

Considering the fact that there is no overt act alleged against the appellant, he has got no criminal antecedent and is in custody since 16.02.2018, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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 condition that the appellant 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 appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	24.07.2018
Transmission Date	24.07.2018

