

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2728 of 2018**

Arising Out of PS.Case No. -59 Year- 2018 Thana -NAUTAN District- SIWAN

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1. Amit Kumar Rai @ Amit Rai, S/o Nagendra Rai,  
2. Chandan Kumar Rai @ Chandan Rai @ Adarsh Rai S/o Nagendra Rai, Both R/o  
Vill.- Semariya, P.S.- Nautan, District- Siwan. .... Appellant/s

Versus

1. The State of Bihar .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bijay Prakash Singh, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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

**ORAL JUDGMENT**

**Date: 24-08-2018**

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 25.04.2018 in A.B.P. No.585 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Siwan in connection with Nautan P.S.Case No. 59 of 2018 registered under Sections 447,448,443,504,34 of the Indian Penal Code and Sections 3(i)(R) of the Scheduled Castes and Scheduled Tribes Act.

The informant had watered the field of co-accused- Manjit Rai from his pumping-set. When the informant went to ask for the cost of watering the field, initially, Manjit Rai assaulted by taking caste name. Thereafter, the appellants and others also joined Manjit Rai in commission of assault.



Considering the general and omnibus nature of allegation, background of the allegation as well as the statement of the appellants on oath that they have got no criminal antecedent, 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 both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

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