

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3759 of 2018

Arising Out of PS. Case No.-143 Year-2017 Thana- TEKARI District- Gaya

Akhilesh Singh S/o Late Bhulal Singh, R/o Vill.- Gaharpur, P.S.- Tekari,
District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Veer, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-12-2018

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 27.08.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.181 of 2018, arising out of Tekari Police Station Case No.143 of 2017, registered under Sections 147/148/149/ 323 /307 /509 /504/506/354 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence took place at the spur of moment for allowing or not allowing lifting of sand which is to be done on the basis of license taken for the purpose. There is general and omnibus



allegation of firing which caused injury at the leg of Rakesh Kumar.

Considering the general and omnibus nature of allegation, let the appellant, above named, in the event of his 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) 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 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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