

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4293 of 2018

Arising Out of PS. Case No.-19 Year-2018 Thana- SC/ST District- Banka

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1. Shiv Choudhary @ Shiv Narayan Choudhary, Son of Late Surya Mohan Choudhary,
 2. Rajeev Choudhary, Son of Shiv Narayan Choudhary, Both are Resident of Village - Gauripur, P.S.- Banka, District- Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjiva Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 04.10.2018 in G.R. No. 2437 of 2018 arising out of Banka SC/ST P.S. Case No. 19 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA), Act, Banka in connection with the aforesaid case registered under Sections 147, 341, 323, 307, 504, 506 of the Indian Penal Code as well as Section 3(1)(r)(w) of the SC/ST Act.

For land dispute, there is case and counter case.



Allegation against Shiv Choudhary is of commission of assault with *lathi*. Appellant No. 1 Shiv Choudhary is in custody since 21.08.2018. There is general and omnibus allegation against appellant no. 2 Rajeev Choudhary of commission of assault.

Considering the entire facts aforesaid as well as completion of investigation, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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