

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.491 of 2018

Arising Out of PS.Case No. -263 Year- 2017 Thana -AGAMKUAN District- PATNA

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1. Lali Prasad son of Bhagwan Prasad @ Bhagwan Das
 2. Munna Yadav son of Prem Yadav @ Parmanand Yadav
 3. Raj Kumar @ Leela son of Sri Naresh Yadav
 4. Ramesh Yadav son of Bhagwan Prasad Yadav
 5. Dina Nath Prasad son of Lali Prasad All are residents of Mohalla -
Kumhrar, P.S. - Agamkuan, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amaresh Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-04-2018

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 anticipatory bail by the learned 5th Additional Sessions Judge-cum-Special Judge, S.C./S.T. Act, Patna in Special Case No. 440 of 2017 arising out of Agamkuan P.S. Case No. 263 of 2017 registered under Sections 147, 149, 341, 323, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(i)(x) of the SC/ST Act.

Appellant no. 5 Dina Nath Prasad was a



candidate for the post of Ward Councillor vide Annexure-3 and Shashi Bhushan Kumar was his polling agent vide Annexure-3, page 22. Shashi Bhushan Kumar had lodged Agamkuan P.S. Case No. 262 of 2017 against the informant of this case with allegation that informant had committed assault against him at the time of election.

Submission is that due to that political rivalry, the present FIR has been lodged with allegation that several persons came variously armed and started abusing to the informant by taking caste name. The accused persons were threatening the informant as to how the informant dared to contest the election. The appellants were identified among the miscreants.

Considering the background of allegation and general and omnibus nature of allegation, in my view, the appellants deserve protection of law, hence, 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 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 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 appellants shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

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

(Birendra Kumar, J)

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