

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.773 of 2018

Arising Out of PS.Case No. -53 Year- 2015 Thana -ARIYARI District- SEKHPURA

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1. Rabindra Prasad,
2. Gajendra Prasad @ Gajendra Kumar @ Guddu Both Sons of Sita Ram Mahto,
R/o Village- Baikathpur, P.S.- Ariyari, District- Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-04-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Ariyari P.S. Case No. 53 of 2015/ SC/ST Case No. 217/2017 registered under Sections 341, 323, 504, 506 and 379/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

According to the F.I.R., when the informant was returning to his house, the appellants allegedly abused and assaulted the informant.

Learned counsels for the informant as well as the State



has gone through the entire case diary which would reveal that there is no other eye-witness of the occurrence. In the circumstances, the police did not send up the appellants for trial. However, the learned court below has taken cognizance in the case.

Considering the aforesaid material, 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 bond 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, the impugned order is set aside and the appeal stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	21.04.2018
Transmission Date	21.04.2018

