

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.710 of 2018

Arising Out of PS.Case No. -364 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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1. Sabai Rai, Son of Late Ram Charitra Rai.
2. Hari Rai @ Hari Kishore Rai.
3. Arun Rai @ Arun Kumar Yadav @ Arun Kumar Yadava, both Sons of Sabai Rai, All Residents of Village- Maliniya, P.S. Majorganj, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1,SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 27-03-2018

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 the learned 1st A.D.J.-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Majorganj P.S.Case No. 364 of 2017 registered under Sections 341,323,379,504/34 of the Indian Penal Code as well as under Sections 3(i)(v)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, when the informant was coming on his Tata Majic vehicle, the appellants allegedly abused by taking caste name and committed assault as well as theft of cash.



Submission is that false case has been lodged, as one of the appellants was coming on cycle which was dashed by the Tata Majic vehicle of the informant and for that reason, only altercation had taken place. Moreover, the allegation is general and omnibus. The appellants have got no criminal antecedent.

Considering the aforesaid facts, 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 as well as 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.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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