

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.482 of 2018

Arising Out of PS.Case No. -96 Year- 2016 Thana -NAUHATTA District- SAHARSA

- =====
1. Shyam Sundar Paswan, S/o Asharfi Paswan, Resident of Village- Sattour, P.S. Nauhatta, District- Saharsa.
 2. Shyam Sundar Sharma @ Shyam Sundar Chaupal, S/o Rasik Sharma @ Rasiklal Chaupal, resident of Village- Sattaur, P.S. Nauhatta, District- Saharsa.
 3. Shiv Shankar Sharma @ Shiv Shankar Kumar, S/o Rasik Sharma @ Rasiklal Chaupal, resident of Village - Sattaur, P.S. Nauhatta, District- Saharsa.
 4. Haridev Sharma @ Hirdev Sharma @ Hriday Sharma, S/o Dani Sharma, resident of Village - Sattaur, P.S. Nauhatta, District- Saharsa.
 5. Kumod Sharma @ Kumod Chaupal, S/o Hriday Sharma @ Haridev Sharma @ Hirdev Sharma, resident of Village - Sattaur, P.S.- Nauhatta, District- Saharsa.
 6. Sintu Sharma @ Sintu Chaupal, S/o Ram Khelawan Sharma @ Ram Khelavan Chaupal, resident of Village- Sattaur, P.S. Nauhatta, District- Saharsa

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-02-2018

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 1st Additional



Sessions Judge-cum-Special Judge, Saharsa in Nauhatta P.S. Case No. 96 of 2016 registered under Sections 147, 148, 149, 447, 323, 324, 307, 354, 380, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(1)(x) of the SC/ST Act.

Appellant no. 2 Shyam Sundar Sharma @ Shyam Sundar Chaupal is alleged to have caused injury with *farsa* at the head of the informant.

The Doctor has found simple injury.

Since appellant no. 2 Shyam Sundar Sharma @ Shyam Sundar Chaupal had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, his prayer for anticipatory bail is refused.

Other appellants are members of the SC/ST, hence, offence under the SC/ST Act is not attracted.

Considering the fact that there is no specific allegation of commission of any offence under the Indian Penal Code, hence, **let other 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, this appeal is partly dismissed and partly allowed.

(Birendra Kumar, J)

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