

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3312 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -WARSALIGANJ District- NAWADA

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1. Sundar Chauhan, Son of Lalo Chauhan, resident of Beldari (Manjaur),
P.S.- Warsaliganj, District- Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Javed Aslam, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 12-03-2018

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 Additional Sessions Judge-cum-Special Judge, Nawada in connection with Warsaliganj P.S.Case No. 81 of 2017 registered under Sections 147, 148, 149, 341, 323, 337, 307, 436, 435, 427, 354, 354(b), 379 of the Indian Penal Code as well as under Sections 3(i)(x)(4)(w) of the Scheduled Castes and Scheduled Tribes Act.

The FIR would reveal that there is general and omnibus allegation. Allegation against the appellant and other eight named persons is of commission of abuse and assault as well as commission of arson in the house of the informant.



Submission is that the false and concocted allegation is there. For trivial dispute, there is no specific allegation against anyone to attract the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Moreover, the parties have entered into compromise. Certified copy of the compromise petition filed before the learned court below has been produced in this case.

Considering the aforesaid fact, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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