

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2026 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- DEO District- Aurangabad

Abhisek Kumar, Son of Prem Prasad Choursia, Resident of Village-
Khemchand Bigha, P.O. Deo, District- Aurangabad.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Pandey, Advocate.

For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 12-06-2018 Heard learned counsel for the appellant and the
learned Special P.P. for the State.

2. This criminal appeal, filed under Section 14(A)(2) of the SC/ST (Prevention of Atrocities) Act, is preferred against the order dated 24.05.2018 passed by the Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Aurangabad, by which and whereunder, the prayer for pre-arrest bail of the appellant has been rejected in connection with Deo P.S. Case No. 01 of 2018 registered under Sections 341, 323, 325, 308 and 504/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(v)a of the SC/ST Act.

3. The accusation is that in the morning of 29.12.2017, Pappu Kumar, son of informant, Janeshwar Ram,



was going to tuition. In the way, Chandan Kumar started to abuse his son and also threaten him to kill due to that reason his son returned his home and narrated the incident. On 01.01.2018, when the informant was going to his Khalihan then in the way, Chandan Kumar, Dina Nath Kumar and appellant caused injury through lathi and sword, in which, informant sustained injury at his forehead and left hand.

4. Learned counsel for the appellant submits that there is general and omnibus allegation against appellant, Chandan Kumar and Dina Nath Kumar and both Chandan Kumar and Dina Nath Kumar have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 10.05.2018 passed in Criminal Appeal (SJ) No. 942 of 2018.

4. In view of the aforesaid submission, the impugned order cannot be sustained in the eye of law. Accordingly, this criminal appeal is allowed and the impugned order dated 24.05.2018 passed by the Ist Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Aurangabad, is hereby set aside.

5. Having regard to the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Aurangabad, in connection with Deo P.S. Case No. 01 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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