

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3397 of 2017

Arising Out of PS.Case No. -190 Year- 2017 Thana -DURAULI District- SIWAN

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1. Nitya Nand Sharma @ Mantu Sharma S/o Late Ramashray Sharma
2. Ram Pratap Sharma @ Bhola Sharma S/o Sarwan Sharma
3. Shyam Bihari Sahani S/o Dhodha Sahani
4. Devi Sharan Nath Tiwary @ Devi Tiwary S/o Late Ramgynath Tiwari
All residents of village Khairanti Udho, Mathia, P.S. Darauli, District -
Siwan.

.... Appellants

Versus

The State of Bihar.

... Respondent

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Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-01-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional Sessions Judge-1st, Siwan in connection with Darauli P.S.Case No. 190 of 2017 registered under Sections 323,341,504/34 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Appellant No.1 Nitya Nand Sharma @ Mantu Sharma and appellant No.2 Ram Pratap Sharma @ Bhola Sharma are Lohar by caste as such members of scheduled tribes. Appellant No.3 Shyam Bihari Sahani was bailor of the



aforesaid appellants in earlier case was instituted by the same informant vide Complaint Case No.668 of 2006.

Appellant Devi Sharan Nath Tiwary has already been arrested. Hence, prayer is for withdrawal of his anticipatory bail.

Considering the aforesaid facts, let the Appellant No.1 Nitya Nand Sharma @ Mantu Sharma, appellant No.2 Ram Pratap Sharma @ Bhola Sharma and appellant No.3 Shyam Bihari Sahani, 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 Darauli P.S. Case No. 190 of 2017, 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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