

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3574 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -NAWANGAR District- BUXAR

- =====
1. Chandan Choubey,
 2. Shiv Shankar Choubey Both Sons of Chandradeo Choubey, R/o Village-Parmanpur, P.S.- Navanagar, District- Buxar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 08-01-2018 Heard learned counsel for the parties.

Learned counsel for the appellants is permitted to make necessary correction in the prayer portion of the plaint during course of the day.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Additional Sessions Judge-1st –cum-Special Judge (S.C./S.T. Act), Buxar, in Navanagar Police Station Case No.152 of 2017 registered under Sections 341/323/324/34 of the Indian Penal Code and Sections 3(i) (r)(s)/3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Appellant No.1 Chandan Choubey has already been arrested in this case. Hence, his prayer for anticipatory bail has become infructuous now.



Allegation against the appellant Shiv Shankar Choubey and co-accused Chandan Choubey is of commission of assault against the wife of the informant when she was cutting soil from the public land.

Submission of the learned counsel for the appellant is that a bare perusal of the F.I.R. would reveal that no offence under the provisions of SC/ST Act is made out. Hence, bar under Section 18 of the Act is not attracted.

Considering the aforesaid fact, let the appellant Shiv Shankar Choubey, 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 bonds of Rs.20,000/- (Twenty Thousand) 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 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, the appeal stands disposed of.

(Birendra Kumar, J)

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