

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3292 of 2017

Arising Out of PS.Case No. -313 Year- 2017 Thana -KADAMKUAN District- PATNA

- =====
1. Suresh Yadav @ Suresh Prasad, S/o Late Jamuna Prasad,
 2. Gopal Krishna, S/o Suresh Yadav @ Suresh Yadav, Both are resident of
East Lohanipur, Ambedkar Colony, P.S.- Kadamkuan, District- Patna.
- Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kameshwar Singh

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 10-04-2018

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 Special Judge-cum-2nd Additional Sessions Judge, Patna in SC/ST Kadamkuan P.S. Case No. 313 of 2017 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code as well as Section 3(1)(5) of the SC/ST Act.

According to FIR, the appellants asked the informant as to why he had constructed the house touching the house of the appellants and for that reason there is general and omnibus allegation of commission of assault and abuse.

Submission is that there is case and counter case.



The case diary would reveal that no injury report is there on the record. The false case was lodged as the people of neighbourhood were asking the informant to leave some space while constructing the house.

Considering the nature of allegation, let the 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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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