

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.94 of 2018

Arising Out of PS.Case No. -66 Year- 2017 Thana -NADI P.S. District- PATNA

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1. Ashok Yadav, Son of Gauri Ram @ Gauri Shankar Rai,
 2. Sadhu Yadav, Son of Gauri Ram @ Gauri Shankar Rai, Both are resident of Village- Fatehjungpur, P.S.- Nadi, District- Patna.
- Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-01-2018

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 2nd Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Patna in Nadi P.S. Case No. 66 of 2017 registered under Sections 341, 323, 506, 379/34 of the Indian Penal Code as well as Section 3(i)(r) of the SC/ST Act.

Submission of the learned counsel for the appellants is that a bare perusal of the FIR would reveal no allegation is there against the appellants under the provisions of the SC/ST Act. Hence, bar under Section 18 of the SC/ST Act is not applicable. The offences alleged under the Penal Code are almost



bailable one.

Considering the aforesaid facts, 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, this appeal stands allowed.

(Birendra Kumar, J)

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