

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3368 of 2018

Arising Out of PS. Case No.-253 Year-2017 Thana- MANIGACHI District- Darbhanga

Ashutosh Kumar @ Ashutosh Yadav, S/o Laxmi Yadav, R/o Village-Gopalpur, Police Station- Manigachhi, District – Darbhanga.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Girish Chandra Jha

For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) 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 vide order dated 27.06.2018 passed by the learned Sessions Judge, Darbhanga in A.B.P. No.787 of 2018, arising out of Manigachhi Police Station Case No.253 of 2017 registered under Sections 341, 323, 324, 325, 307, 354, 379, 427, 504, 506/34 of the Indian Penal Code and Sections 3 (i) (r) (s) and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The F.I.R. would reveal that *Anila Devi*, niece of this appellant married with the informant in the year, 2008. The marriage was not liked by the family members and for that reason, other named persons allegedly assaulted to the informant and others. The appellant also caused injury with *Tengari* near the forehead and left shoulder of



the informant. The appellant is ready to file affidavit before the learned court below that the appellant and his family members would not interfere in the matrimonial life of the informant.

In the event of filing of the aforesaid affidavit, let the appellant, above named, 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 bail on furnishing bail bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

The violation of the affidavit would be a ground for cancellation of bail of the appellant by the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

