

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3975 of 2018

Arising Out of PS. Case No.-66 Year-2018 Thana- BARIYARPUR District- Munger

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1. Arvind Choudhary @ Arvind Kr.
 2. Pradeep Choudhary @ Pradeep Kr. Both Son of Late Satyanarayan Choudhary @ Satto Choudhary Resident of Village-Khariya, P.S. Bariarpur, Distt. Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sevak Choudhary, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 against the refusal of prayer for anticipatory bail vide order dated 22.09.2018 passed by 1st Additional Sessions Judge, Munger, in A.B.P. No.1095 of 2018, arising out of Bariarpur Police Station Case No.66 of 2018, registered under Sections 406/420/34 of the Indian Penal Code and Section 3(i) (r) (y) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant had entered into an agreement to purchase land of co-accused Prem Chaudhary and Santosh Choudhary. They did not execute the sale deed; rather on the date of occurrence, they along with the appellants came to the house of



the informant and committed abuse and assault.

Considering the background of allegation chances of mala fide prosecution cannot be ruled out. Moreover, the appellants have got no criminal antecedent. Hence, 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/- (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/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 the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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