

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2701 of 2018

Arising Out of P.S. Case No. -77 Year- 2016 Thana -SC/ST District- PURNIA

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1. Arunav Raj @ Pulak, Son of Ashok Raj,
2. Shiv Kumar Singh @ Mister, Son of Late Dev Sharan Rai, Both of Rajendra
Nagar (Madhubani), P.S. K. Hat, District- Purnea Appellant/s
Versus
1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Pathak, Adv
For the Respondent/s : Smt. Usha Kumari No.1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 24-08-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 22.06.2018 in A.B.P. No.31 of 2018-CIS-31 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special SC/ST Case No.232 of 2016 arising out of SC/ST P.S. Case No. 77 of 2016 registered under Sections 323,341,342,504,506/34 of the Indian Penal Code and Sections 3(i)(R)(S) of the Scheduled Castes and Scheduled Tribes Act.

The offences of the Indian Penal Code alleged against the appellants are available.

Submission is that after investigation of the case, the police submitted final form, as the allegation untrue vide Annexure-2. However, the learned court below has differed with



the police opinion and taken cognizance. Further submission is that two views are possible, hence for the purpose of consideration of prayer for anticipatory bail, the view in favour of the appellants should be taken.

Finding substance in the submission aforesaid, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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