

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3198 of 2018

Arising Out of PS.Case No. -248 Year- 2013 Thana -SURSAND District- SITAMARHI

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1. Aslam Khan @ Md. Aslam Khan Son of Israel Khan @ Israyal Khan, resident of
Kumma, Police Station- Sursand, District- Sitamarhi. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

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 09.07.2018 in A.B.P. No.1241 of 2018,251/2018 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Sursand P.S.Case No. 248 of 2013 registered under Sections 341,323,447,504/34 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

There is general and omnibus allegation against the FIR named accused person including the appellant of commission of abuse and assault, for trivial dispute on the occasion of Diwali.

Submission is that the appellant was not sent up for trial. However, cognizance has been taken.



Considering the general and omnibus nature of allegation and the fact that the appellant was not sent up for trial after investigation, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 further the appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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