

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3222 of 2018

Arising Out of PS.Case No. -172 Year- 2018 Thana -PUNPUN District- PATNA

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1. Rohit @ Rohit Kumar S/o Sukhdeo Prasad @ Surya Dav Prasad, R/o Vill.-
Manorah, Manorah, P.S.- Punpun, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-10-2018

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 21.07.2018 passed by the learned 5th Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Patna, in A.B.P. No. 5223 of 2018 arising out of Punpun Police Station Case No. 172 of 2018 registered under Sections 147/149/341/323/504/506/427/435 of the Indian Penal Code and Section 3(i) (r) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

One Binod Sao was driving a bus. When the appellant did not give pass to the informant of this case, the informant became infuriated and took over the bus and thereafter started manhandling the driver. Passengers sitting in the bus informed to a relation in the village of place of occurrence then villagers assembled and thereafter



there is general and omnibus allegation against the appellant and others, who are man of driver, to have committed abuse, assault, theft and arson. Binod Sao has lodged Punpun P.S. Case No.171 of 2018.

Considering the background of allegation, general and omnibus nature of allegation and the statement of the appellant on oath that he has got no criminal antecedent, 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 bonds of Rs.20,000/- (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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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 appeal stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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