

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3270 of 2018

Arising Out of PS.Case No. -164 Year- 2018 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

- =====
1. Arvind Kewat son of Kailash Kewat
 2. Bijay Kewat son of Ram Swaroop Kewat
 3. Sosu Kewat son of Vishun Kewat
 4. Anil Kewat son of Sosu Kewat
 5. Gandhi Kewat @ Gandhi Prasad son of Akalu Kewat All residents of village - Sundir Bigha, Police Station Islampur, District - Nalanda.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

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 23.07.2018 by the learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in A.B.P. No. 2243 of 2018, arising out of Islampur Police Station Case No. 164 of 2018, registered under Sections 341/323/504/506/307/324/379/427/337/338/147 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though in the FIR there is allegation of commission of assault and abuse by taking caste name against the appellants.



However, the case-diary reveals that the witnesses stated before the police that the informant sustained accidental injury by fall from his running motorcycle and thereafter one of the appellants carried him to his house but the appellants did not pay the agreed amount. For that reason an altercation had taken place.

Considering the aforesaid materials and the statement of the appellants on oath that they have got no criminal antecedent, 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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