

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2156 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -DHAKA District- EASTCHAMPARAN
(MOTIHARI)

=====

1. Deo Prakash @ Lalu Singh @ Deo Prakash Singh @ Lalu S/o Rajendra Singh
2. Rajendra Singh S/o Late Harihar Singh.
3. Ved Prakash @ Vedprakash Singh S/o Rajendra Singh.
4. Lalan Singh S/o Late Butan Singh. All resident of Village- Jhauaram, P.S.-
Dhaka, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Adv

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 17.05.2018 in A.B.P. No. 693 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Dhaka P.S. Case No. 43 of 2018 registered under Sections 341, 323, 504,506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Identical statement of allegation is there in two FIRs



lodged by the same informant against the appellants. One of the FIRs i.e. Dhaka P.S. Case No. 43 of 2018 (the present one) was lodged on 20.02.2018 for the occurrence dated 19.02.2018. Another FIR is Motihari SC/ST P.S. Case No. 18 of 2018 lodged on 09.03.2018 for the occurrence dated 10.02.2018 but the contents is the same to the extent that labour charges of the informant was due with the appellants and on demand, they committed abuse and assault.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the general and omnibus nature of allegation as well as the submission of the learned counsel for the appellant that the informant has been set up by the present Mukhiya whereas appellant no. 1 was Ex-Mukhiya, 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/- (rupees 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	25.08.2018

