

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.3882 of 2018**

Arising Out of PS. Case No.-40 Year-2017 Thana- ISUAPUR District- Saran

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1. Baijnath Prasad @ Baidhnath Prasad Gupta S/o Late Ganga Sah
  2. Rekha Devi W/o Baijnath Prasad @ Baijnath Sah @ Baidhnath Prasad Gupta Resident of Village-Sahwa,P.S.-Isuapur,Distt.-Saran at Chapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Kumar Binode Bariar, Adv

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 14-12-2018**

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 28.08.2018 in A.B.P. No.2147 of 2018 passed by the learned Additional Sessions Judge 1<sup>st</sup> Saran at Chapra in connection with Isuapur P.S.Case No. 40 of 2017 registered under Sections 323,364,302 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

Allegation is of commission of kidnapping and murder of the son of the informant.

Submission is that the deceased had some affairs with the daughter of the appellant and for that Isuapur P.S.Case No.57 of 2013 was registered. During investigation of this case, mother of the victim of this case stated before the police that in fact the victim is working in



some factory in the State of Punjab alongwith his brother. He had come on the occasion of marriage of his sister and in that view of the matter, the parties filed a compromise petition before the learned court below.

Considering the aforesaid facts, let the appellants, above named, who have got no criminal antecedent, 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 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/-

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