

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3997 of 2018

Arising Out of PS. Case No.-204 Year-2018 Thana- BARHARA District- Bhojpur

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1. Rajesh Rai Son of Sheo Narayan Rai
 2. Sheo Narayan Rai Son of Late Sheopujan Rai Both Resident of Village-Shiwan Chak, Police Station-Barahara, Distt.-Bhojpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nitya Nand Tiwary, Advocate Mr. Mukesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

The appeal is barred by limitation of 22 days. The delay is explained in I.A. No.3140 of 2018. Hence, the delay in filing of this appeal is condoned.

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 13.06.2018 passed by the learned 1st Additional Sessions Judge, Bhojpur at Ara, in A.B.P. No.728 of 2018, arising out of Barahara Police Station Case No.204 of 2018, registered under Sections 147/148/149/341/323/337/384/353/504/506 of the Indian



Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Co-accused Nirala Rai had complained to the Superintendent of Police, Bhojpur at Ara, vide Exhibit-2, that the informant of this case and other police constables were allowing the vehicle to move from the village of Nirala Rai after taking illegal money from the driver of the vehicles. Thereafter, informant lodged the present case alleging therein that the villagers were collecting illegal money from the vehicle drivers moving from that village. When police came, they committed mischief by damaging the police vehicle and abused by taking caste name.

Submission is that none of the villagers has supported the prosecution case, nor any vehicle driver has claimed that the villagers were charging any money from them.

Considering the aforesaid facts, 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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