

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3554 of 2017

Arising Out of PS.Case No. -376 Year- 2016 Thana -BIRAUL District- DARBHANGA

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Pankaj Choudhary, S/o Late Laxmi Kant Choudhary, resident of village
Phokhram, P.S. Biraul, District Darbhanga

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Kumar Ishwar, Advocate

For the Respondent/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 02-02-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), Darbhanga in Biraul P.S. Case No. 376 of 2016 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

The FIR would reveal that entire occurrence of abuse and assault took place inside the room.

Submission is that the occurrence did not take place in public view. Hence, the bar under Section 18 of the SC/ST Act is not applicable.



Finding substance in the submission aforesaid, 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 bond of Rs.20,000/- (rupees 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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