

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1353 of 2018

Arising Out of PS.Case No. -135 Year- 2017 Thana -CHENARI District- SASARAM (ROHTAS)

- =====
1. Bipin Tiwari, son of Jagat Tiwari.
 2. Jogi Tiwari @ Yogi Tiwari, Son of Late Ramayan Tiwari.
 3. Jitendra Tiwari, Son of Keshav Tiwari, All resident of Village- Umaon, P.S.- Chenari, Dist.- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kulanand Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-07-2018

I.A. No.1438 of 2018 is a petition, under Section 5 of the Limitation Act, for condonation of delay of 25 days in filing of this appeal. The circumstance under which the appeal could not be filed in time is explained in the petition. 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 19.12.2017 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.1909 of 2017, arising out of Chenari Police Station Case No.135 of 2017 registered under Sections 147/148/149/341/342/323/325/307/448/504/506/354 of the Indian



Penal Code and Sections 3(i)(r)(f)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though there is general and omnibus allegation of commission of abuse and assault by taking caste name, however, the parties have entered into a compromise vide Annexure-2.

In the circumstances, fate of trial is known, 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
Uploading Date	07.07.2018
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