

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1259 of 2018

Arising Out of PS.Case No. -72 Year- 2017 Thana -TANDWA District- AURANGABAD

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1. Rajendra Singh, son of late Karmdeo Singh
 2. Sikes Singh, son of Rajendra Singh, both resident of village-Duari, P.S.-Tendua, District-Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rama Kant Sharma, Sr. Advocate with
Mr. Santosh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-05-2018

Heard 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 refusal of prayer for anticipatory bail in **Tandwa P.S. Case No.72 of 2017** instituted under Section(s) 302, 201/34 Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the appellants submits that there is no any allegation of committing specific overt act against the appellants.

In the written report, it is alleged that these



appellants with other accused persons took the father of the informant on the pretext of making talk with respect to agriculture. It is alleged that father of the informant did not return. On 18.11.2017, the informant learnt that dead body of his father is lying in a well.

From the order of the Sessions Judge, it appears that case diary was called for in the Court below and besides suspicion there is no allegation of specific overt act against the appellants.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest/surrender within a period of six weeks from today in connection with **Tandwa P.S. Case No.72 of 2017**, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Aurangabad**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without



proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

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

(Sanjay Priya, J)

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