

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

**Criminal Appeal (SJ) No.1255 of 2018**

Arising Out of PS.Case No. -16 Year- 2016 Thana -SC/ST District- SHEOHAR

=====

1. Randhir Kumar Singh @ Randhir Singh,  
2. Shailendra Kumar Singh @ Shailendra Singh Both are Son of Late Radhey Shayam Singh, R/o Vill.- Chhatauni, P.S.- Tariyani, District- Sheohar.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Vidhan Chandra Pathak

For the Respondent/s : Mr. Sadanand Paswan, SPP 246

=====

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

**ORAL JUDGMENT**

**Date: 11-05-2018**

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, against refusal of the prayer for anticipatory bail by the learned 1<sup>st</sup> Additional District & Sessions Judge- cum- Special Judge, Sheohar in connection with SC/ST P.S. Case No. 16/2016 registered under Sections 341, 323, 354, 406, 504 and 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

Learned counsel for the appellants submits that the F.I.R. would reveal that the offences alleged under the Indian Penal Code are bailable one. After investigation, the police submitted closure report. However, the learned Magistrate differing with the police



report took cognizance against the appellants.

Contention is that when two views are possible for the purpose of consideration of pre-arrest bail, the view favourable to the appellant should be taken.

Finding substance in submission aforesaid, 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 bond of Rs. 20,000/- (rupees 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 and 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 stands allowed.

**(Birendra Kumar, J.)**

Rakhi

|                   |            |
|-------------------|------------|
| AFR/NAFR          |            |
| CAV DATE          | N.A.       |
| Uploading Date    | 14.05.2018 |
| Transmission Date | 14.05.2018 |

