

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1248 of 2018

Arising Out of PS.Case No. -294 Year- 2013 Thana -GHORASAHAN District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Adya Rai, Son of Bhikari Rai,
 2. Shambhu Rai, Son of Late Bashu Rai.
 3. Ram Pravesh Prasad Yadav, Son of Shambhu Prasad Yadav @ Shambhu Roy,
All are resident of village- Barka Pakari, P.S.- Lakhaura, District- East
Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the parties.

Appellant No.3 Ram Pravesh Prasad Yadav has already
been arrested in this case. Hence, his prayer for anticipatory bail has
become infructuous now.

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
11.01.2018 passed by the learned 1st Additional Sessions Judge-cum-
Special Judge (S.C./S.T. Act), East Champaran, Motihari, in A.B.P.
No.3260 of 2017, arising out of Ghorasahan (Lakhaura) Police Station
Case No.294 of 2013, registered under Sections



147/148/149/341/323/354/379/504/506 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation against the FIR named accused including the appellants of commission of house trespass and firing as well as theft and attempt to outrage the modesty of the informant. The criminals were calling themselves as extremist.

Submission of the learned counsel for the appellants is that the allegation is general and omnibus against them. The appellants are not a member of extremists nor they have got any such criminal antecedent. Only appellant No.1 Adya Rai is accused in one case.

Considering the facts aforesaid, let the appellants, namely, Adya Rai and Shambhu Rai, 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	09.08.2018
Transmission Date	09.08.2018

