

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1074 of 2018

Arising Out of PS.Case No. -190 Year- 2017 Thana -BAHERI District- DARBHANGA

- =====
1. Vipul Kumar Jha @ Vipul Jha, S/o Jatashankar Jha,
 2. Ramesh Kumar Jha @ Bablu Jha S/o Jatashankar Jha,
 3. Govind Jha @ Govind Kumar Jha S/o Krishnakant Jha @ Tuna Jha,
- All 1 to 3 R/o Village- Susari, P.S.- Baheri, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No.5
For the Respondent/s : Smt. Usha Kumari No.1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the “S.C./S.T. Act”) against the refusal of prayer for anticipatory bail vide order dated 08.03.2018 passed in A.B.P. No.265 of 2018, by the learned Additional Sessions Judge-I-cum-Special Judge S.C./S.T. Act, Darbhanga, in connection with Baheri P.S. Case No.190 of 2017, registered under Sections 147, 149, 341, 323, 504, 379 of the Indian Penal Code and Section 3(1) (r)/3 (1) (s) of the S.C./S.T. Act.

There is case and counter case between the parties. In the



first occurrence, assault was committed against the son of the informant. On the complaint of the aforesaid occurrence, a subsequent occurrence of assault and theft allegedly took place. The allegation is general and omnibus. The appellants have stated on oath that they have got no criminal antecedent.

Considering the aforesaid facts, 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 bonds of the appellants.

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

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

