

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1538 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -BARUN District- AURANGABAD

=====

1. Goldan Saw @ Golden Saw son of Ganesh Saw,
2. Sonu Kumar son of Nawal Singh Yadav,
3. Sujit Kumar son of Dharmdeo Singh Yadav,
4. Binay Kumar son of Dudheshwar Yadav,
5. Akshay Kumar son of Janeshwar Singh,
6. Bimlesh Kumar son of Jay Ram Singh,
All resident of village-Mangarahiya, P.S. Barun, District- Aurangabad (Bihar).
.... Appellant/s

Versus

The State of Bihar
.... Respondent/s

=====

Appearance :

For the Appellant/s : Mrs. Leelawati Kumari, Advocate
For the Respondent/s : Mrs. Usha Kumari No.1, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-07-2018

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, 1989 against the refusal of prayer for anticipatory bail vide order dated 17.04.2018 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Aurangabad, in connection with Baroon Police Station Case No.44 of 2018, registered under Sections 341/323/325/504/506/34 of the Indian Penal Code and Sections 3(i)(r)/3(1)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is case and counter case. Though the FIR would



reveal allegation of commission of assault and abuse by taking caste name of the informant by the appellants. Injury was allegedly caused with lathi and bhala. However, there is no injury report on the record.

Considering the aforesaid fact, 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	21.07.2018
Transmission Date	21.07.2018

