

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1280 of 2018

Arising Out of PS.Case No. -40 Year- 2016 Thana -SC/ST District- BANKA

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1. Ashok Kumar Singh,
 2. Awadhesh Prasad Singh @ Awadhesh Singh,
 3. Bikky Kumar Singh,
 4. Sushant Kumar @ Sushant Kumar Singh,
 5. Jageshwar Prasad Singh, All are sons of Late Bisheshwar Prasad Singh,
 6. Anil Kumar Singh, Son of Late Dhiren Prasad Singh, All are resident of Village- Harna, P.S.- Baunsi, District- Banka.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

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, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Banka in SC/ST Banka P.S. Case No. 40 of 2016 registered under Sections 147, 149, 325, 354, 379 of the Indian Penal Code as well as Section 3(i)(r)(w) of the SC/ST Act.

From the FIR, for land dispute, there is general and omnibus nature of allegation of commission of abuse and assault.

Submission is that after investigation, the police submitted closure report. However, the learned Magistrate has



differed with the police report taken cognizance against the appellants.

Submission is that when two views are possible for the purpose of consideration of pre-arrest bail, the view favouring the appellants should be taken.

Finding substance in the 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 bonds 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	15.05.2018
Transmission Date	15.05.2018

