

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1249 of 2018

Arising Out of PS.Case No. -258 Year- 2017 Thana -BAHERA District- DARBHANGA

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1. Radha Krishna Pathak, Son of Late Markandey Pathak,
2. Heera Pathak, Son of Buchchi Pathak.
3. Bam Bam Pathak,
4. Damru Pathak, Appellant No. 3 and 4 are Sons of Radha Krishna Pathak, All residents of Village- Jeriso, P.S.- Bahera, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gouranga Chatterjee

For the Respondent/s : Mr. Sadanand Paswan, SPP246

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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 1st Additional District & Sessions Judge- cum- Special Judge, SC/ST POA Act, Darbhanga in connection with Bahera P.S. Case No. 258/2017 registered under Sections 341, 323, 354, 427, 504/34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s) of the SC/ST Act.

There is case and counter case and in both the F.I.Rs., there is identical allegation.



Submission is that both sides are neighbours and for trivial dispute false case has been lodged.

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 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

