

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1590 of 2018

Arising Out of PS.Case No. -8 Year- 2014 Thana -SC/ST District- GAYA

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1. Pramod Sharma @ Parmod Sharma, Son of Lakhan Sharma @ Ram Lakhan Sharma, Resident of Village- Raghunibigha, P.S.- Belganj, District- Gaya.
 2. Hari Yadav, Son of Sukhdev Mahato, Resident of Village- Morangpur, P.S.- Belaganj, District- Gaya.
 3. Ramdhyan Thakur, Son of Late Lochan Thakur, Resident of Villlage- Morangpur, P.S.- Belaganj, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. Sanju Devi, Son of Sohan Paswan @ Rohan Paswan, Resident of Village- Morangpur, P.S.- Belaganj, District- Gaya.

.... Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-08-2018

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 19.04.2018 passed by the learned Exclusive Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.89 of 2018, arising out of SC/ST Police Station Case No.8 of 2014 registered under Sections 323/448/504/34 of the Indian Penal Code and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The complaint based FIR was investigated by the police



and police submitted final form. However, the learned Court-below has taken cognizance differing with the police report. The offences alleged under the Indian Penal Code are mostly bailable.

Considering the facts 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/- (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
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