

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1622 of 2018

Arising Out of PS.Case No. -102 Year- 2017 Thana -ALINAGAR District- DARBHANGA

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1. Shyam Mukhiya, S/o Newalal Mukhiya,
2. Ram Bilash Mukhiya, S/o Garhai Mukhiya,
3. Shankar Mukhiya, S/o Sukan Mukhiya,
4. Phoolo Devi, W/o- Shyam Mukhiya,
5. Meena Devi, W/o- Sankar Mukhiya, All are resident of Village- Gosara, P.S.-
Alinagar, District- Darbhanga. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 09.04.2018 by the learned Sessions Judge, Darbhanga in connection with Alinagar P.S.Case No. 102 of 2017 registered under Sections 341, 323, 325, 448, 506, 379, 504/34 of the Indian Penal Code and Sections 3(r) of the Scheduled Castes and Scheduled Tribes Act.

Earlier criminal cases were lodged by the appellants' side against the informant of this case and others vide Annexures-2 and 3 series.

In the aforesaid background, the present FIR is



general and omnibus allegation of commission of abuse and assault as well as theft.

Considering the background of allegation, chances of malafide prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail, hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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