

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1942 of 2018

Arising Out of PS. Case No.-59 Year-2016 Thana- SC/ST District- Rohtas

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1. Khurshid Miyan @ Khurshid Alam, S/o Subham Mian,
 2. Green Mian @ Khalasi @ Rustam Khan, S/o Subhan Mian, Both residents of Vill.- Samhota, P.S.- Kargahar, District- Rohtas at Sasaram.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 09-10-2018

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 vide order dated 31.03.2018 passed by the learned Additional Sessions Judge-1st, Rohtas at Sasaram in Registered Case No.295 of 2017, arising out of SC/ST Dihri Police Station Case No.59 of 2016 registered under Sections 147, 149, 324, 307, 504, 506, 341 of the Indian Penal Code and Sections 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.1, *Khurshid Miyan @ Khurshid Alam* is alleged to have caused injury with axe at the head of the informant. Allegation against appellant No.2, *Green Mian @ Khalasi @ Rustam Khan* is of commission of theft.



Submission is that there is case and counter case. Appellant No.1, *Khurshid Miyan @ Khurshid Alam* had also sustained injury at the head during the occurrence. The parties have entered into compromise.

Considering the submissions 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

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