

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1891 of 2018

Arising Out of PS.Case No. -66 Year- 2018 Thana -DURAULI District- SIWAN

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1. Golu Mishra, S/o Upendra Mishra,
 2. Narendra Kumar Mishra @ Narendra Mishra
 3. Bhupendra Kumar Mishra @ Bhupendra Mishra
 4. Upendra Kumar Mishra @ Upendra Mishra
 5. Pramod Kumar Mishra @ Pramod Mishra All are Sons of Sudishta Mishra, All are R/o Vill.- Bhitaoili, P.S.- Daraoli, Distt.- Siwan.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra kumar Dwivedi, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-10-2018

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 against the refusal of prayer for anticipatory bail vide order dated 16.05.2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, passed in A.B.P. No. 542 of 2018, arising out of Daraoli Police Station Case No. 66 of 2018, registered under Sections 341, 323, 379/34 of the Indian Penal Code and Sections 3(2) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation of commission of abuse and assault by taking caste name of the informant. Appellants, namely, Golu Mishra, Narendra Mishra and Bhupendra Kumar Mishra have got no criminal antecedent.



Hence, let the appellants, namely, Golu Mishra, Narendra Mishra and Bhupendra Kumar Mishra, 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.

Appellant No.4 Upendra Kumar Mishra and appellant No.5 Pramod Kumar Mishra have got identical criminal antecedent. Hence, in my view, there is no merit in this appeal against refusal of anticipatory bail of appellant No.4 Upendra Kumar Mishra and appellant No.5 Pramod Kumar Mishra.

Accordingly, the appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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