

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2251 of 2018

Arising Out of PS.Case No. -23 Year- 2017 Thana -ROSEIRA District- SAMASTIPUR

=====

1. Kishan Kumar Singh @ Kishan Kumar, S/o Bipin Singh, R/o Vill. - Dhab
Mohalla, P.S. - Rosera, Distt. - Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-08-2018

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 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 08.03.2018 in A.B.P. No. 188 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Samastipur in connection with Rosera P.S. Case No. 23 of 2017 registered under Sections 147, 148, 149, 341, 323, 307, 504, 506, 447 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The appeal is barred by limitation of 11 days.

The delay is explained in I.A. No. 2054 of 2018, a petition under Section 5 of the Limitation Act.

Hence, the delay is condoned.

Accordingly, I.A. aforesaid stands allowed.

Submission is that similarly situated co-accused Monu Thakur @ Monu Kumar Thakur has been allowed anticipatory bail by a Coordinate



Bench of this Court vide order dated 17.11.2017 passed in Cr. Appeal (SJ) No. 2475 of 2017 (Annexure-2).

Learned Special Public Prosecutor opposed the prayer for bail.

Finding substance in the submission of learned counsel for the appellant, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	13.08.2018
Transmission Date	13.08.2018

