

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2419 of 2018

Arising Out of PS.Case No. -86 Year- 2018 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Kishan Kumar, S/o Pappu Rai,
2. Ajay Kumar S/o Nanhak Rai,
3. Amit Kumar S/o Nanhak Rai,
4. Samoj Kumar & Saroj Kumar S/o Munsai Rai,
5. Indramani Kumar S/o Upendra Rai, All are R/o Vill.- Ismailpur, P.S.- Hajipur
Sadar, District- Vaishali.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-09-2018

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
17.05.2018 passed by the learned Additional Sessions Judge-I,
Vaishali at Hajipur, in A.B.P. No.731 of 2018, arising out of Hajipur
Sadar Police Station Case No.86 of 2018, registered under Sections
147/148/341/323/447/448/354/380/436/427/504/506 of the Indian
Penal Code, Section 27 of the Arms Act and Sections 3(i)(x) of the



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Ashok Rai, uncle of appellant Nos.1 and 2, had lodged Vaishali Sadar P.S. Case No.85 of 2018, against son of the informant of this case, alleging therein that Kunal Kumar son of the informant of this case has caused fire-arm injury. Thereafter, the present FIR has been lodged with general and omnibus allegation that all the accused entered into the house of the informant, ransacked the house-hold articles and committed mischief by fire.

Considering the background of allegation, chances of mala fide prosecution cannot be ruled out for the purpose of consideration of anticipatory bail, 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
CAV DATE	NA
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