

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2395 of 2018

Arising Out of PS.Case No. -151 Year- 2013 Thana -NAUTAN District- SIWAN

=====

1. Hareram Gupta s/o Shivnath Prasad Gupta @ Shivji Sah, resident of village -
Baraipatti, Kilpur, P.S. Nautan, District - Siwan.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-09-2018

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 19.06.2018 passed by the learned Additional Sessions Judge 1st-cum-Special Judge, Siwan, in A.B.P. No.778 of 2018, arising out of Nautan Police Station Case No.151 of 2013, registered under Sections 147/148/149/323/324/307/447/379/436/504/506 of the Indian Penal Code and Sections 3(i)(x)/3(2)IV/V of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Other accused persons named in the FIR allegedly abused to the informant in the first occurrence. In the subsequent occurrence some other more person including the appellant joined. There is no specific allegation against the appellant.



Submission is that after investigation the police did not send up the appellant for trial as witnesses stated before the police that the appellant was not involved. However, the learned Court-below differing with the police report took cognizance.

Considering the facts aforesaid, 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 bonds of Rs.20,000/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2018
Transmission Date	14.09.2018

