

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2531 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -CHIRAIYA District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Mangar Rai, Son of Late Kashi Rai, Resident of Village - Badka Sapgada, P.S. - Chiraiya, District - East Champaran.
 2. Rambabu Rai, Son of Late Bambhola Rai, resident of Village Misrauliya, P.S.- Chiraiya, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Rashmi Jha, Advocate

For the Respondent/s : Mr. Binay Krishna, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

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 04.06.2018 in ABP No. 1218 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 74 of 2018 registered under Sections 341, 323, 448, 436, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r) of the SC/ST Act.

Appellant No. 1 Mangar Rai allegedly caused injury at the head of the informant with *Lathi*. The Doctor has found simple injury. There is no specific allegation against appellant no. 2 Rambabu Rai. The police has not found any sign of burn of hut etc.



Considering the fact that appellant no. 1 Mangar Rai had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, his prayer for anticipatory bail is refused.

Considering the general and omnibus allegation against appellant no. 2 Rambabu Rai, let the appellant no. 2, Rambabu Rai, 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 partly dismissed and partly allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.10.2018
Transmission Date	06.10.2018

