

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2656 of 2018

Arising Out of PS.Case No. -14 Year- 2018 Thana -ARIYARI District- SEKHPURA

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1. Anil Yadav,
2. Ajay Yadav, Both Sons of Brahmdeo Yadav,
3. Kishore Yadav, Son of Anil Yadav, all Resident of Village- Aruara, Police
Station- Ariyari, District- Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Kumar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

Appellant No.3-Kishore Yadav has already been arrested. Hence, his prayer for anticipatory bail is infructuous now.

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 02.07.2018 in A.B.P. No.371 of 2018 (SC/ST Case No.35 of 2018) arising out of Ariyari P.S.Case No.14 of 2018 passed by the learned 1st Additional District and Sessions Judge, Sheikhpura registered under Sections 147, 148, 149, 341, 323, 325, 379, 506, 448 of the Indian Penal Code and



Sections 3(2)(va)3(R)(S) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case. Allegation in the present FIR is that the appellants and others were crossing from the house of the informant on the occasion of Holi and they were playing sexual coloured songs loudly. When the informant forbade, an occurrence of abuse and assault was allegedly committed.

Co-accused-Sunil Kumar @ Sunil Yadav and others have been allowed anticipatory bail in Cr. Appeal (SJ) No.2587 of 2018.

Considering the general and omnibus nature of allegation as well as case and counter case and the statement of the appellants that they have got no criminal antecedent, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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