

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1886 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- SONEPUR District- Saran

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1. Ramesh Rai, Son of Banarsi Rai
 2. Sakendra Kumar Rai, S/o Ramesh Rai
 3. Sudhir Rai @ Sudhir Kumar, S/o Ramesh Rai
 4. Amrendra Rai, S/o Ganesh Rai
 5. Khatai Lal @ Khatai Lal Rai, Son of Ganesh Rai, All are residents of Village- Sabalpur Nawal Tola, P.S. Sonpur, District Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kr Singh No.1
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 31-08-2018

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 28.02.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in A.B.P. No.373 of 2018, arising out of Sonepur Police Station Case No.23 of 2018 registered under Sections 341, 323, 504, 506, 379 of the Indian Penal Code and Section 3 (i) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant No.2, *Sakendra Kumar Rai* has already been arrested in this case. Hence, his prayer for anticipatory bail has become infructuous now.

For dispute relating to encroachment upon *Raasta* between the informant and the appellants, who have their house just across the road, appellant, *Sudhir Rai @ Sudhir Kumar* is alleged to have assaulted with *Chaaku*. However, the Doctor has not found any injury caused by *Chaaku*. Allegation of theft is ornamental one. The appellants have stated on oath that they have got no criminal antecedent.

Considering the nature of dispute and background of allegation, let the remaining appellants, namely, (1) *Ramesh Rai*, (3) *Sudhir Rai @ Sudhir Kumar*, (4) *Amrendra Rai* and (5) *Khatai Lal @ Khatai Lal Rai* 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/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with



the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

