

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2135 of 2018

Arising Out of P.S.Case No. -29 Year- 2017 Thana -SC/ST District- BANKA

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1. Bhairo Singh @ Bhairav Prasad Singh, Son of Late Jai Narayan Singh.
2. Banti Singh, son of Bidio Singh,
3. Bipin Singh @ Bipin Kumar Singh, Son of Bhairo Singh @ Bhairav Prasad Singh, All resident of Village- Ankakura, P.S. Chandan (Anandpur), District- Banka. Appellant/s

Versus

1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raghav Prasad, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 23-08-2018

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 25.05.2018 in A.B.P. No.619 of 2018 passed by the learned Additional Sessions Judge-I, Banka in connection with SC/ST P.S.Case No. 29 of 2017 (corresponding to G.R.No.2438 of 2017) registered under Sections 447, 341, 323, 324, 354, 379, 427, 504/34 of the Indian Penal Code and Sections 3(1)(R)(W) of the Scheduled Castes and Scheduled Tribes Act.

The occurrence of abuse and assault is alleged against the appellants for the reason that crop of the appellants got eaten by the animals of the informant.

Submission is that after investigation, the police



submitted report under Section 173 Cr.P.C. for bailable offences of the Indian Penal Code. However, the learned Magistrate has differed with the report.

Considering the nature of allegation and statement of the appellants on oath 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 both bailors shall be resident of territorial jurisdiction of the learned court below 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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