

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2215 of 2018

Arising Out of PS.Case No. -532 Year- 2017 Thana -GHORASAHAN District- EASTCHAMPARAN (MOTIHARI)

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1. Suraj Kumar
 2. Raushan Kumar
 3. Rahul Kumar, All S/o Tuntun Sah,
 4. Gita Devi, D/o Tuntun Sah, All R/o Vill. - Ghorasahan, Virta Chowk, P.S. - Ghorasahan, District - East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Karandeep Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 19-09-2018

So far as appellant no. 2 Raushan Kumar is concerned, his application for grant of anticipatory bail has already been infructuous vide order dated 09.08.2018, since he has been arrested.

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 15.05.2018 in A.B.P. No. 291 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 Ghorasahan P.S. Case No. 532 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 325, 354B, 379, 504, 506 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



Both sides are neighbours. For trivial dispute, there is allegation of commission of abuse and assault. The allegation is general and omnibus. Appellants have stated on oath that they have got no criminal antecedent. There is no more material in the case diary.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the facts aforesaid, 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 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that 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 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 set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CA V DATE	N.A.
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