

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.1883 of 2018**

Arising Out of PS.Case No. -439 Year- 2016 Thana -SA SARAM NAGAR District- SASARAM  
(ROHTAS)

- =====
1. Durgesh Gupta @ Durgesh Kumar Gupta @ Durgesh Gupta. S/o Ganesh Gupta @ Ganesh Shah,
  2. Krishna Murari Jaiswal S/o Satya Narayan Jaiswal,
  3. Anil Kumar Sao @ Anil Kumar Gupta @ Anil Kumar Sah S/o Ramjee Sah,
- Appellant Nos. 1 & 3 are R/o Mohalla- Bharandua, P.S.- Chenari, District at Sasaram, Appellant No.2 is resident of Mohalla- Chenari, P.S.- Chenari, District- Rohtas at Sasaram.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Raghunandan Kumar Singh, Advocate  
For the Respondent/s : Mr. Binay Krishna, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 07-08-2018**

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 against the refusal of prayer for anticipatory bail vide order dated 04.04.2018 by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.19 of 2018, arising out of Sasaram (Model) Police Station Case No.439 of 2016, registered under Sections 341/323/420 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



Considering the nature of allegation of the offences of Indian Penal Code, which are compoundable and also considering the factum of compromise between the parties, in my view, the appellants deserve anticipatory bail.

Hence, 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/- (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.

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

**(Birendra Kumar, J)**

Mkr./-

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