

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2298 of 2018

Arising Out of PS.Case No. -114 Year- 2018 Thana -OBRA District- AURANGABAD

=====

Sujeet Kumar, S/o Mahendra Pd. Singh, R/o Vill. - Manjhiawan, P.S. - Obra,
District - Aurangabad.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

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 07.06.2018 in connection with Obra P.S. Case No. 114 of 2018 passed by the learned Special Judge S.C./S.T. (POA) Act, Aurangabad in connection with the aforesaid case registered under Sections 341, 323, 324, 325, 353, 307, 420, 504/34 of the Indian Penal Code, Section 4/40 of the Bihar Minor Mineral Concession Act as well as Section 3(i)(r), 3(i)(s), 3(2)(v) of the SC/ST Act.

The driver of the tractor of this appellant was carrying sand. When the authorities demanded for permit for carrying sand from the driver, in the meantime, a person came on motorcycle who was identified as Raj Narayan Singh. He scuffled with the informant who is bodyguard of the local District Magistrate.

Submission is that appellant was not at the place of



occurrence at any point of time nor he had knowledge about the act committed by others. The tractor was moving along with valid Challan of the sand. Appellant has got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid fact, let the appellant, above named, in the event of his 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 bond of Rs.20,000/- (rupees twenty thousand) 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 appellant 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 appellant 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.
CAV DATE	N.A.
Uploading Date	07.09.2018
Transmission Date	07.09.2018

