

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

**Criminal Appeal (SJ) No.2314 of 2018**

Arising Out of PS.Case No. -60 Year- 2018 Thana -BIHPUR District- BHAGALPUR

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1. Rohit Raj @ Saurabh Malakar, S/o Surendra Malakar,
  2. Digambar Kumar Malakar S/o Devendra Malakar @ Devendra Kumar Malakar,  
Both are Residents of Vill.- Chakrami, Post Office- Narayanpur, P.S.- Bihpur  
(Bhawanipur), District- Bhagalpur.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajesh Kumar Pandey, Advocate

For the Respondent/s : Mr. Sadanand Paswan, 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 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 17.04.2018 passed by the learned Sessions Judge, Bhagalpur, in A.B.P. No.500 of 2018, arising out of Bihpur (Bhawanipur) Police Station Case No.60 of 2018, registered under Sections 447/387/504/506/34 of the Indian Penal Code, Sections 25(1-b)a/26 of the Arms Act, Section 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 and Sections 3(i)(r)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though the appellants are named as the accused person.



However, the main allegation is against co-accused Sandeep Kumar Malakar, who has already been allowed regular bail in this case. No overt-act is alleged against the appellants.

Considering the aforesaid facts, 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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| AFR/NAFR          | NAFR       |
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