

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2525 of 2018

Arising Out of PS. Case No.-146 Year-2017 Thana- NARHAT District- Nawada

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1. Mithlesh Singh @ Mithilesh Singh, S/o Late Maheshwar Singh,
 2. Hagu Singh, S/o Mithilesh Singh @ Mithlesh Singh, Both R/o Vill.- Hajidhaba, P.S.- Narhat, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar Verma
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 05.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in A.B.P. No.723 of 2018, arising out of Narhat Police Station Case No.146 of 2017 registered under Sections 323, 379, 504/34 of the Indian Penal Code and Sections 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant No.1, *Mithlesh Singh @ Mithilesh Singh* has already been arrested in this case. Hence, his prayer for anticipatory bail has become infructuous now.

Allegation is that both the appellants entered into the house of the informant and committed abuse and assault for the reason that the informant had refused to work in the field of the appellant.

Submission is that no part of occurrence took place within the public view.

Finding substance in the submission aforesaid, let the appellant No.2, *Hagu Singh*, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.



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

(Birendra Kumar, J)

abhishek/-

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Transmission Date	

