

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2706 of 2018

Arising Out of PS.Case No. -402 Year- 2017 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

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1. Gopal Tiwary Son of Siranj Tiwary
2. Pintu Tiwary Son of Lalan Tiwary@ Ram Dular Tiwary
3. Bali Sharma@ Raj Bali Sharma S/o late Shiv Murat Sharma
4. Ashok Tiwary son of Chhaibar Tiwary All R/o Vill.- Oraiya, P.S.- Shiv Sagar ,
District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dineshwar Tiwary, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 26.06.2018 in Registered Case No.399 of 2017 passed by the learned Additional Sessions Judge-1, Rohtas in connection with Shiv Sagar P.S.Case No. 402 of 2017 registered under Sections 341,323,307,504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

The allegation is general and omnibus of commission



of assault causing injury at the head of the informant.

Submission is that the impugned order would reveal that the parties have entered into a compromise, hence, fate of the trial is known and there is no law to keep a person in custody as an under-trial prisoner, unless that it needed for the purpose of investigation and there is chances that in the event of grant of bail, the accused would not cooperate with the trial or tamper with the evidence.

Finding substance in the submission aforesaid, let the appellants, above named, who have got no criminal antecedent, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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



this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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