

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 2037 of 2018

Arising Out of PS.Case No. -16 Year- 2018 Thana -ARA MUFFSIL District- BHOJPUR

- =====
1. Pramod Singh
 2. Binod Kumar Singh @ Binod Singh
 3. Amod Singh, all are Son of Suchit Singh
 4. Anish Singh, Son of Pramod Singh
 5. Suchit Singh, Son of Late Babu Lal Singh, All are resident of Village -
Matnavaliya, P.S. Ara (Mufasil), District - Bhojpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-08-2018

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 16.05.2018 in A.B.P. No. 445 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 16 of 2018 registered under Sections 341, 323, 354, 308/34 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

There is case and counter case between the parties.



Allegation is of commission of abuse and assault for trivial dispute. Specific allegation against appellant no. 2 Binod Kumar Singh @ Binod Singh is of commission of injury on the head of Jitendra Prasad with *lathi*.

Submission is that the Doctor has found simple injury.

Learned Special Public Prosecutor opposed the prayer for bail.

Since, appellant no. 2 Binod Kumar Singh @ Binod Singh had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail, hence, his appeal against dismissal of the prayer for anticipatory bail stands dismissed.

There is general and omnibus allegation against other appellants, hence, the appellant no. 1 Pramod Singh, appellant no. 3 Amod Singh, appellant no. 4 Anish Singh and appellant no. 5 Suchit Singh, 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, are directed to be released on bail **in view of the case and counter case between the parties** on furnishing bail bonds of Rs.20,000/- (rupees 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 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 **partly** dismissed and **partly** allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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