

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2724 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -DARIYAPUR District- SARAN

=====

1. Manoj Kumar @ Manoj Rai Son of Bisundeo Rai.

2. Dinbandhu Kumar, Son of Umesh Rai.

Both are residents of village-Manpura, P.S.-Dariyapur, District-Saran (Chhapra).

... Appellant/s

Versus

The State of Bihar

... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma, Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

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 20.06.2018 in A.B.P. No.1726 of 2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Dariyapur P.S.Case No. 02 of 2018 registered under Sections 341,323,504,379/34 of the Indian Penal Code and Sections 3(II)(r) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants were indulged in earth feeling on road. The informant started videography of the act in his mobile and for that reason, appellants abused to the informant and others.

Submission of learned counsel for the appellants is



that due to dispute between the local Mukhiya, who has granted certificate at Annexure-2 in favour of earth feeling performed by the appellants and between the Up-Mukhiya, the present false case has been lodged. Appellants have got no such criminal antecedent.

Considering the facts aforesaid, 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 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 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
CAV DATE	NA
Uploading Date	08.10.2018
Transmission Date	08.10.2018

