

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3026 of 2018

Arising Out of PS. Case No.-704 Year-2017 Thana- KAHALGAON District- Bhagalpur

1. Manoj Gupta,
2. Sanjiv Gupta @ Sanjeev Kumar Gupta.
3. Raju Gupta @ Rajeev Kumar Gupta, Sons of Bishnudeo Gupta.
4. Pradip Gupta, Son of Baldeo Gupta.
5. Bhola Mandal, Son of Late Ramayan Mandal, All are resident of Jan Mohammadpur, Police Station- Kahalgaon, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pravin Kumar Sinha
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-09-2018

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 11.07.2018 passed by the learned 3rd Additional Sessions Judge-cum-SC/ST Special Judge, Bhagalpur in A.B.P. No.1125 of 2018, arising out of Kahalgaon Police Station Case No.704 of 2017 registered under Sections 147, 149, 186, 283, 353, 337, 332, 504, 506 of the Indian Penal Code and Section 3 (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Appellant *Manoj Kumar Sah* had lodged Kahalgaon P.S. Case No.698 of 2017 for occurrence of theft of his motorcycle by unknown criminals. A copy of the F.I.R. is annexed at *Annexure-2*.

Since the Police was not apprehending the culprit or was not recovering the motorcycle, the people blocked the road traffic. When the Assistant Sub-Inspector of Police came for removal of obstruction, the F.I.R. named persons allegedly abused and pelted stones and attempted to snatch the rifle of the Police.

Considering the general and omnibus nature of allegation as well as background of allegation and statement of the appellants on oath that they have got no criminal antecedent, 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/- (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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with



the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

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

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

