

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3186 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -SC/ST District- BHAGALPUR

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Sunil Yadav Son of Late Bhutti Yadav Resident of Village - Shivganj Tola, Police
Station - Kharik, District - Bhagalpur.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravin Kumar Sinha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

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 09.07.2018 in ABP No. 03 of 2018
passed by the learned 3rd Additional Sessions Judge-cum-Special Judge
S.C./S.T. (POA) Act, Bhagalpur in connection with SC/ST Naugachhia
P.S. Case No. 05 of 2018 registered under Sections 341, 323, 448, 354B,
504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act as
well as Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

The informant is a washer man. The clothes of Dhori
Yadav had got stains and blots at the time of washing and for that
reason, initially, Dhori Yadav abused and assaulted and, subsequently,
there is general and omnibus allegation against the appellant also to have



committed assault etc.

Considering the general and omnibus nature of allegation, the background of allegation and the statement of the appellant that he has got no criminal antecedent, let the appellant, above named, 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant 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 appellant 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 set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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