

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3324 of 2018

Arising Out of PS. Case No.-82 Year-2017 Thana- SC/ST District- Purnia

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1. Rajnaitik Rai @ Rajneti Rai son of Late Surju Rai
 2. Sharda Devi @ Shardha Devi wife of Rajnaitik Rai @ Rajneti Rai
 3. Dilkhush Rai @ Dilkhush Kumar Rai, son of Rajnaitik Rai @ Rajneti Rai
 4. Santosh Rai son of Khokha Rai
 5. Dinesh Yadav, son of Shankar Yadav All Resident of Village- Godiyar Hatiya Tola, Ward No. 4, P.S.- Tikapatti, District- Purnea

.... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dr. Bidhu Ranjan, Adv
For the Respondent/s	:	Mr.Sri Sadanand Paswan,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 02.08.2018 in A.B.P. No.53 of 2018/C.I.S.No.53 of 2018 passed by the learned Additional Sessions Judge I-cum-Special Judge SC/ST, Purnea in connection with SC/ST Purnea P.S.Case No. 82 of 2017 registered under Sections 147, 148, 233, 354, 427, 379, 380/34 of the Indian Penal Code and Sections 3/4 of the Scheduled Castes and Scheduled Tribes Act.



Title Suit No.06 of 2017 is going on between the parties in the court of learned Munsif, Dhamdaha in the Judgeship of Purnea. In the aforesaid background, there is general and omnibus allegation against the appellants of commission of assault. Specific allegation against appellant-Sharda Devi @ Shardha Devi is of commission of theft which according to learned counsel for the informant is an ornamental allegation.

Considering the background of allegation, chances of malafide prosecution cannot be ruled out for the purpose of consideration of this prayer for anticipatory bail, hence, 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	22.12.2018
Transmission Date	22.12.2018

