

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3422 of 2018

Arising Out of PS. Case No.-303 Year-2018 Thana- NATHNAGAR District- Bhagalpur

1. Aashu Kumar, S/o Ajit Singh,
2. Ankit Singh @ Ankit Kumar, S/o Raju Singh, Both residents of Mohalla- Rampur, P.S.- Madhusudanpur, District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Syed Masleh-Uddin Ashraf
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

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 06.08.2018 passed by the learned 3rd Additional Sessions Judge-cum-SC/ST Special Judge, Bhagalpur in A.B.P. No.05 of 2018, arising out of Nathnagar (Madhusudanpur) Police Station Case No.303 of 2018 registered under Sections 341, 323, 354B, 307, 504, 506/34 of the Indian Penal Code and Sections 3 (1) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Earlier criminal case was lodged by the mother of the appellant No.1, Aashu Kumar, vide Nathnagar (Madhusudanpur) Police Station Case No.302 of 2018 against the informant and other family members on 14.05.2018. Thereafter, the present case was lodged with allegation that appellants allegedly abused and assaulted to the son of the informant and thereafter, to other family members.

In the background of allegation and nature of allegation, the chances of mala fide prosecution cannot be ruled out. 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 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/-

AFR/NAFR	NAFR
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