

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3208 of 2018

Arising Out of PS.Case No. -15 Year- 2017 Thana -NAUBATPUR District- PATNA

=====

1. Avinash Kumar @ Avinash Sharma @ Abhinash Sharma Son of Vijay Kumar Singh @ Bhola Singh @ Bhola Sharma, resident of Village- Aropur, P.O. Amarpura, P.S. Naubatpur, District Patna.

2. Prakash Kumar Son of Late Bhola Prasad, resident of Village- Rafiganj, P.S. Rafiganj, District- Aurangabad.

3. Chandra Kishore @ Pintu Son of Tulsi Prasad, resident of Village+ P.O.- Amarpura, P.S. Naubatpur, District- Patna. Appellant/s

Versus

1. The State of Bihar Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-10-2018

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 21.07.2018 in A.B.P. No.5229 of 2018 passed by the learned Additional District and Sessions Judge-V-cum-Special Judge SC/ST, Patna in connection with Naubatpur P.S.Case No. 15 of 2017 registered under Sections 341,323,379,504,506/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The informant had gone to enquire about the scheme of housing loan, the appellants allegedly abused and assaulted



him.

Submission is that the Executive Officer had made complaint to the higher authorities that in fact informant was assailant. Appellants have got no criminal antecedent.

Considering the background and nature of allegation, 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	09.10.2018
Transmission Date	09.10.2018

