

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3236 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- BHELDI District- Saran

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1. Lallan Pandey son of Chhathu Pandey,
2. Chhathu Pandey son of late Shiv Nandan Pandey,
Both are r/o. Village-Jhauwapatti Jogini, P.S. Bheldi, District- Saran

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 20-11-2018

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 against the refusal of prayer for anticipatory bail vide order dated 01.08.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No.2210 of 2018, arising out of Bheldi Police Station Case No.121 of 2018, registered under Sections 147/149/341/323/324/354/379/504/506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w-1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is case and counter case between the parties.

Allegation is that on the order of appellant No.2



Chhathu Pandey, appellant No.1 Lallan Pandey allegedly assaulted with farsa causing injury at the head of the informant. The doctor had found simple laceration at the head of the informant.

Since appellant Lallan Pandey had knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail. Hence, his prayer for anticipatory bail is refused. He may surrender and pray for regular bail which shall be considered without being prejudiced by the order of this Court.

Appellant Chhathu Pandey is aged about 88 years and simply he has been alleged as order giver.

Considering the case and counter case and age of appellant Chhathu Pandey as well as the fact that he has stated on oath that he has got no criminal antecedent, let Chhathu Pandey, 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 bonds of Rs.20,000/- (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 No.2.

Accordingly, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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