

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3617 of 2018

Arising Out of PS. Case No.-179 Year-2017 Thana- SAHIYARA District- Sitamarhi

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1. Anil @ Bablu Prasad Yadav, S/o Kailash Yadav,
 2. Prem Kumar Yadav @ Prem Yadav S/o Sabarat Yadav,
 3. Mahendra Yadav S/o Sabarat Yadav, All R/o Vill.- Dighi, Ward No. 8, Police Station- Sahiyara, District- Sitamarhi.... Appellant/s
- Versus

The State of Bihar

. ... Respondent/s

Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

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 04.09.2018 in A.B.P. No.1615 of 2018/376 of 2018 passed by the learned A.D.J.1st-cum-Special Judge SC/ST, Sitamarhi in connection with Sahiyara P.S.Case No. 179 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506, 379 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Sangeeta Devi, daughter of co-accused-Suresh Prasad Yadav had lodged Majorganj P.S.Case No.396 of 2017 on 24.09.2017 against Jitendera Baitha, full brother of the informant of the present case, alleging therein that Jitendra Baitha forcefully kidnapped to the minor sister of Sangeeta.

Submission is that to save the skin from that



case, present false has been lodged with allegation that about 14 to 15 person allegedly committed assault and theft against the informant. The allegation is general and omnibus and co-accused-Lalan Kumar, having similar allegation, has already been allowed anticipatory bail.

Learned counsel for the informant opposed the prayer for anticipatory bail.

Considering the entire facts aforesaid, 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
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