

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.544 of 2018

Arising Out of PS.Case No. -206 Year- 2013 Thana -UDAKISHANGANJ District- MADHEPURA

- =====
1. Ashish Kumar Pandit @ Ashish Pandit S/o Jamun Pandit, R/o Village-
Uda, P.S.- Udakishunganj, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-03-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail by the learned Special Judge (S.C./S.T. Act), Madhepura, in Uda Kishunganj Police Station Case No.206 of 2013 registered under Sections 447/307 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR of commission of fire-arm injury is against unknown. During investigation name of the appellant surfaced in the statement of the victim under Section 164 Cr.P.C. However, the police has not submitted charge sheet under the provisions of



Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant. Therefore, bar under Section 18 of the Act is not applicable.

Considering the fact that the appellant was not named in the FIR, let the appellant, above named, 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.

Accordingly, the impugned order is set aside and appeal stands allowed.

(Birendra Kumar, J)

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