

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1105 of 2016

In

Criminal Miscellaneous No.39878 of 2016

Arising Out of PS. Case No.-55 Year-2014 Thana- MANSURCHAK District- Begusarai

1. Ram Narain Gupta, Son of Late Jageshwar Lal Gupta

2. Md. Abbas, Son of Late Habib

Both are residents of village Alamchak, P.S. Mansoorchak, District Begusarai

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 01-11-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 22.06.2016 in A.B.P. No. 849 of 2016 passed by the learned Special Judge S.C./S.T. (POA) Act, Begusarai in connection with Mansoorchak P.S. Case No. 55 of 2014 registered under Sections 147, 148, 149, 341, 342, 427, 379, 307, 353, 504, 506 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.

It has been informed that appellant no. 1 Ram Narain Gupta is already dead now. Hence, his prayer for anticipatory bail is infructuous. Accordingly, the same stands dismissed as infructuous.



About 400 to 500 male and female attacked on the official premise of the informant ransacked the official articles. Among the people in mob, 15 were identified including appellant no. 2 Md. Abbas. No specific overt act is alleged against Md. Abbas. Appellant no. 2 has stated on oath that he has got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid fact, let the **appellant no. 2 Md. Abbas**, 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 bond of Rs.20,000/- (rupees 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 no. 2 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the



learned court below

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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