

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1798 of 2018

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

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Lalan Kumar, son of late Achchelal Yadav, resident of village Dihathi, P.S.
Sahiyara, Distt. Sitamarhi.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

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

For the Respondent/s : Smt. Usha Kumari No-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-05-2018 Heard learned counsel for the Appellant and learned
Spl. P.P. for the State.

This Appeal has been preferred against the impugned order dated 23.04.2018 passed by the learned **1st A.D.J-cum-Special Judge, (SC/ST Act), Sitamarhi, in connection with Sahiyara P.S. Case No. 179 of 2017** registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506, 379 of the Indian Penal Code and Section 3 (i) (r) (s) of SC/ST (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the Appellants has been rejected.

It has been submitted that Appellant has no criminal antecedent. It has further been submitted that Appellant has Grocery shop. There is no any specific allegation of overt act against the Appellant.



In the written report there is allegation that ten persons came out from the shop of the Appellant and abused the informant by calling his caste name and committed Mar-Pit with him,

In the facts and circumstances of the case, this Appeal is allowed and the impugned order 23.04.2018 passed by the learned 1st A.D.J.-cum-Special Judge, (SC/ST Act), Sitamarhi, in connection with Sahiyara P.S. Case No. 179 of 2017, is hereby set aside.

Let the Appellant above named in the event of surrender/arrest within six weeks from today, in connection with **Sahiyara P.S. Case No. 179 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **1st A.D.J.-cum-Special Judge (SC/ST Act), Sitamarhi**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) Appellant shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3)



if Appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the Appellant.

(Sanjay Priya, J)

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