

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2268 of 2018**

Arising Out of PS.Case No. -27 Year- 2018 Thana -LAURIYA District- WESTCHAMPARAN (BETTIAH)

- =====
1. Mritunjay Rao, S/o Kapil Rao @ Kapildev Rao,
  2. Lalan Rao, S/o Anil Rao, Both are R/o Vill. - Bhediharwa, P.S. - Lauriya, District - West Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 09-08-2018**

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 28.05.2018 in A.B.P. No. 592 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, West Champaran at Bettiah in connection with Lauriya P.S. Case No. 27 of 2018 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(i)(r)2(v)(a) of the SC/ST Act.

The FIR would itself reveal that the appellants allegedly committed assault and abuse to the informant for the reason that the informant's son was bringing leaves from the sugarcane field of co-accused Ashok Rao.

Submission is that after removal of the leaves from the growing sugarcane, the same would get damaged, hence, the appellants had



simply forbade the informant to not to indulge in aforesaid activity in future.  
The appellants have got no criminal antecedent.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts, 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 bail on furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each 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 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 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/-

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| AFR/NAFR          | N.A.       |
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