

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3041 of 2018

Arising Out of PS. Case No.-36 Year-2018 Thana- RIVILGANJ District- Saran

Md. Rustam Ali @ Rustam Mian @ Bhola Mian, Son of Late Nazabuddin Mian, Resident of Village – Jalalpur, Methwalia, Police Station - Revilganj, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satya Prakash
For the Respondent/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Nawal Kishore Singh

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 05-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A 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 25.06.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in A.B.P. No.990 of 2018, arising out of Revilganj Police Station Case No.36 of 2018 registered under Sections 279, 337, 338, 307, 504, 506, 323 of the Indian Penal Code and Sections 3 (i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant along with his son was going on a cycle.
The son of this appellant was also coming down on a motorcycle.



As soon as the son of the appellant reached near the cycle of the informant, he took a U-turn and dashed against the cycle of the informant, as a result whereof, son of the informant sustained injury and during course of treatment he died.

Allegation against the appellant is that he was also in the habit of threatening the informant and others for the reason that informant had not voted in favour of the appellant in the Panchayat election.

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

Considering the fact that there is no substantial allegation against the appellant and statement of the appellant on oath that he has got no criminal antecedent, 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 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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 this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

