

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3597 of 2018

Arising Out of PS. Case No.-147 Year-2018 Thana- SONBERSA District- Sitamarhi

1. Guddu Kumar @ Guddu Rai,
2. Bihari Rai,
All sons of Kamal Kishore Yadav @ Kamal Kishore Rai, r/o. Village-
Dalkawa, P.S. Sonbarsa, District- Sitamarhi.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the parties.

Appellant Guddu Kumar @ Guddu Rai has already
been arrested in this case. Hence, his prayer for anticipatory
bail is infructuous now. Accordingly, the appeal against the
refusal of anticipatory bail of Guddu Kumar @ Guddu Rai stands
dismissed.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989, against the refusal of prayer for
anticipatory bail vide order dated 28.08. 2018 passed by the
learned Additional Sessions Judge-I-cum-Special Judge (S.C./S.T.
Act), Sitmarhi, in A.B.P. No.1707 of 2018/393 of 2018, arising



out of Sonbarsa Police Station Case No.147 of 2018, registered under Sections 341/323/324/307/504/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is general and omnibus allegation of commission of assault against the appellant Bihari Rai. However, specific allegation of commission of injury at the head of the informant with iron rod is against co-accused Sonu Rai.

Submission is that occurrence took place for trivial dispute between the two neighbours. Appellant has got no criminal antecedent.

Considering the aforesaid facts, let the appellant Bihari Rai, 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)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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