

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.166 of 2018

Arising Out of PS.Case No. -291 Year- 2015 Thana -KHAJEKALA District- PATNA

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1. Raja Mian.
 2. Raju Mian.
 3. Sunny.

All are sons of Late Shamser Mian, Resident of Village/Mohalla-Barkat
Khan Ka Akhara, Mogalpura, P.S.-Khajekala, District-Patna.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Krishna Chandra, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 16-01-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional District & Sessions Judge 2nd - cum-Special Judge, SC/ST Act, Patna in connection with Khajekala P.S.Case No. 291 of 2015 registered under Sections 341,447,323,379,504 and 506 of the Indian Penal Code and Section 27 of Arms Act as well as under Section 3(X) of the Scheduled Castes and Scheduled Tribes Act.

The appellants allegedly committed assault and theft on 03.12.2015, for the reason that they were pressurizing for compromise of earlier criminal case between the parties.



Submission of the learned counsel for the appellants is that the compromise petition was already filed in the earlier case on 30.10.2015 itself prior to the present case. Hence, the allegation is false one and no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is prima facie made out in the facts and circumstances of the case.

Considering the substance in the aforesaid submission, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Khajekala P.S. Case No. 291 of 2015, 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.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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