

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4141 of 2018

Arising Out of PS. Case No.-375 Year-2017 Thana- FATEHPUR District- Gaya

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1. Sikandar Paswan
 2. Sadhu Paswan, Son of Brahmdeo Paswan, Resident of Village - Raghunathpur, P.S. - Fatehpur District Gaya (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha
For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-12-2018

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 25.06.2018 in A.B.P. No. 140 of 2018 passed by the learned Exclusive Special Judge SC/ST, Gaya in connection with Fatehpur P.S. Case No. 375 of 2017 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(2)(v) of the SC/ST Act.

Thirteen persons are named in the FIR including the appellants with allegation that they dragged to the husband of the informant and subsequently committed murder.

Submission of the learned counsel for the



appellants is that the informant is neither an eyewitness of the occurrence of dragging away nor of the commission of murder.

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

Considering substance in the aforesaid submission of the appellants, 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 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 the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/Banti

AFR/NAFR	N.A.
CAV DATE	N.A.
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