

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1324 of 2018

Arising Out of P.S.Case No. -20 Year- 2017 Thana -SC/ST District- JEHANABAD

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1. Birendra Yadav son of Ram Ishwar Yadav
2. Rajnish Kumar son of Shiv Dayal Yadav
3. Deep @ Deepak Kumar @ Deepak Yadav son of Bullu Yadav
4. Sonu Kumar son of Birendra Yadav
5. Ravi Ranjan Kumar son of Shiv Dayal Yadav
6. Shrawan Kumar son of Ram Shrestha Yadav
7. Nitish Kumar
8. Shani Dayal Kumar Both sons of Dharmendra Yadav All residents of village -
Deoghara, P.S. - Kako, District - Jehanabad. Appellant/s

Versus

1. The State of Bihar. ... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Adv
For the Respondent/s : Mr. Sadanand Paswan, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned Additional Sessions Judge 1st, Jehanabad in connection with Jehanabad SC/ST P.S.Case No. 20 of 2017 registered under Sections 147, 148, 341, 323, 324, 338, 427, 379, 504, 506 of the Indian Penal Code as well as under Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, for dispute relating to Rasta, all the 14 named accused persons including the appellants committed abuse and assault.



Submission is that the appellants were not sent up for trial rather others were sent up for trial. However, the learned Special Judge has taken cognizance. Further submission is that two views are apparently possible. In the circumstances, for consideration of prayer for anticipatory bail, the view in favour of the appellants should be preferred.

Finding substance in the submission aforesaid, 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 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.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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