

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1551 of 2018

Arising Out of PS. Case No.-24 Year-2018 Thana- RAGHUNATHPUR District- Siwan

1. Chandan Kumar Pathak @ Chandan Pathak, S/o Chandeshwar Pathak
2. Ratnesh Kumar Pandey @ Ratnesh Pandey, S/o Janak Pandey. Both R/o
Village- Bhanti, P.S.- Raghunathpur, District- Siwan.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-09-2018

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 18.04.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge S.C./S.T. (POA) Act, Siwan in A.B.P. No.509 of 2018, arising out of Raghunathpur Police Station Case No.24 of 2018 registered under Sections 326, 307/34 of the Indian Penal Code and Sections 3 (1)(r), 3 (2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant No.1, *Chandan Kumar Pathak @ Chandan Pathak* allegedly caused firearm injury to the informant at the chest. The injury report is consistent with the allegation. Hence, in my view,



appellant No.1, *Chandan Kumar Pathak @ Chandan Pathak* does not deserves anticipatory bail. Accordingly, his prayer is refused.

Appellant No.1, *Chandan Kumar Pathak @ Chandan Pathak* may surrender within three weeks and pray for regular bail.

No overt act is alleged against appellant No.2, *Ratnesh Kumar Pandey @ Ratnesh Pandey*. Hence, let the appellant No.2, *Ratnesh Kumar Pandey @ Ratnesh Pandey*, 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, this appeal stands partly dismissed and partly allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
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Uploading Date	
Transmission Date	

