

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1639 of 2018

Arising Out of PS.Case No. -45 Year- 2017 Thana -SC/ST District- DARBHANGA

- =====
1. Mauje Yadav, son of Late Asharfi Yadav,
 2. Kailash Yadav, son of Mauje Yadav.
 3. Dukhni Devi, wife of Mauje Yadav.
 4. Surekha Devi, wife of Kailash Yadav. All are resident of Village - Dargahpur,
Police Station - Bahadurpur, District - Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 21-08-2018

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 17.03.2018 in A.B.P. No. 373 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Darbhanga in connection with SC/ST P.S. Case No. 45 of 2017 registered under Sections 342, 323, 354, 379/34 of the Indian Penal Code as well as Sections 3(i)(r)/3(i)(s) of the SC/ST Act.

There is case and counter case. General and omnibus allegation is of commission of abuse, assault and theft.

Submission is that the appellants have got no such



criminal antecedent. The offences alleged under the Indian Penal Code are mostly bailable.

Learned Special Public Prosecutor opposed the prayer for bail.

Finding 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 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 within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

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