

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2780 of 2018

Arising Out of PS. Case No.-198 Year-2016 Thana- BAHADURGANJ District- Kishanganj

1. Md. Shafique @ Masbar, Son of Md. Ibrahim,
2. Md. Ibrahim, Son of Late Abbdul Jalil, Both resident of Village- Phulbari, P.S.- Bahadurganj, District- Kishanganj.
3. Suplu @ Sujalu @ Siplab Kumar Sah, Son of Late Devi Lal,
4. Mukesh Kumar Srivastav @ Mukesh, Son of Maheshwar Prasad, Both resident of Mohalla- Majar Tola, P.S.- Bahadurganj, District- Kishanganj.
5. Rakesh Singh @ Pappu, Son of Subodh Prasad Singh, Resident of Village- Sarsi, P.S.- Sarsi, District- Purnia.
6. Tanjim @ Tanjim Rahi, Son of Md. Taslimuddin, Resident of Village- Birnia, P.S.- Bahadurganj, District- Kishanganj.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Radha Mohan Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-11-2018

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 against the refusal of prayer for anticipatory bail vide order dated 13.07.2018 passed by the learned Special Judge (S.C./S.T. Act), Kishanganj, in connection with Bahadurganj Police Station Case No.198 of 2016, registered under Sections 341/323/324/325/307/149 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

10 to 15 persons allegedly assaulted to the informant, out of which the appellants were also identified. The doctor has found two simple injuries on the person of the informant on non-vital parts of the body. Apparently, the medical report is inconsistent with the prosecution allegation of commission of assault by 10-15 persons. Co-accused Habib @ Habib Alam has filed Cr.W.J.C. No.2301 of 2017 wherein by order dated 02.05.2018 a Bench of this Court has ordered no coercive step against Md. Habib. The said order is still continuing.

Considering the aforesaid infirmity in the prosecution allegation, 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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