

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2805 of 2018

Arising Out of PS.Case No. -120 Year- 2018 Thana -BASANTPUR District- SIWAN

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1. Umesh Pandey, S/o Awadh Kishore Pandey, 2. Rahul Pandey S/o Akhilesh Pandey, 3. Prince Kumar @ Prince Pandey S/o Dinesh Pandey, 4. Dinesh Pandey S/o Awadh Kishore Pandey, 5. Nitesh Pandey S/o Dinesh Pandey, All Residents of Vill.- Musepur, P.S.- Lakri Nabiganj O.P., District- Siwan.		Appellant/s
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Versus

1. The State of Bihar		Respondent/s
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Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh, Adv
For the Respondent/s	:	Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 30-08-2018

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 order dated 09.07.2018 in A.B.P. No.865 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan in connection with Basantpur (Lakri Naviganj) P.S.Case No. 120 of 2018 registered under Sections 341, 323, 308, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(R) of the Scheduled Castes and Scheduled Tribes Act.

For trivial dispute arising during course of purchase of cigarette from the shop of the informant. Other appellants allegedly committed assault.

Submission is that the allegation is general and omnibus. The Doctor has found single lacerated wound on the



scalp of the informant, simple in nature. On the basis of material, it cannot be said that which of the several accused had caused the single blow. Appellants have got no criminal antecedent.

Considering the aforesaid facts, 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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