

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2034 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -BHADAURA District- PATNA

- =====
1. Mukesh Kumar @ Mukesh Ram, Son of Surendra Ram,
 2. Sarwan Ram, Son of Late Ramchandra Ram, Both are resident of Village-
Daulatpur, Polie Station - Bhadaur, District- Patna.

.... 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 07.04.2018 in Bhadaur P.S. Case No. 21 of 2018 passed by the learned 5th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with the aforesaid case registered under Sections 341, 323, 337, 504/34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

There is case and counter case.

Submission is that the offences of the Indian Penal Code alleged against the appellants are bailable. Land dispute is reason behind the lodging of the false case. Specific allegation against the appellant no. 2 Sarwan Ram is of commission of injury at the head. The Doctor has found



simple injury.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the facts 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 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.
Uploading Date	23.08.2018
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