

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2483 of 2018

Arising Out of PS.Case No. -56 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

- =====
1. Nagina Yadav son of Jag Deo Yadav,
 2. Rajesh Yadav,
 3. Santosh Yadav
- Both sons of Nagina Yadav,
4. Adaru Yadav, S/o. Sukan Yadav,
 5. Bijay Yadav
 6. Pintu @ Pintu Yadav
- Both sons of Adaru Yadav
7. Sukhari Yadav S/o. late Somaru Yadav,
- All the above resident of village- Kushi Tola, P.S. Karakat, District- Rohtas (Sasaram)

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mani Kant Mishra, Advocate
For the Respondent/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-09-2018

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 against the refusal of prayer for anticipatory bail vide order dated 22.02.2018 passed by the learned Additional Sessions Judge-I, Rohtas at Sasaram, in A.B.P. No.2352 of 2017, arising out of SC/ST Dehri Police Station Case No.56 of 2017, registered under Sections 147/148/149/341/323/325/354/379/504/506 of the Indian Penal Code and Section 3(i)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

There is case and counter case between the parties.

Submission is that false case was lodged for the reason that children of the two families had quarrel. The FIR of the present



case would reveal that the general and omnibus allegation of assault to the informant is only for the reason that informant had served water to the police party.

Considering the entire facts of the case aforesaid as well as the statement of the appellants on oath that they have got no criminal antecedent, 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./-

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