

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2608 of 2018

Arising Out of PS. Case No.-241 Year-2015 Thana- DHURAIYA District- Banka

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1. BRIHASPATI SAH, Son of Late Sukhari Sah,
 2. Wakil Sah, Son of Brihaspati Sah,
 3. Amit Sah @ Amit Kumar Sah, Son of Wakil Sah,
 4. Sumit Sah @ Sumit Kumar, Son of Wakil Sah,
 5. Dashrath Sah, S/o Late Binodi Sah, All Resident of Village - Gangdauri, Police Station - Dhoraiya, District - Banka.
 6. Amrendra Kumar Singh @ Amrendra Kumar, S/o Late Surya Kant Singh, Resident of Village - Gachiya, Police Station - Dhoraiya, District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Mukherjee
For the Respondent/s : Mr. Binay Krishna

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 12.06.2018 in A.B.P. No. 526 of 2018 passed by the learned 1st Additional Sessions Judge, Banka in connection with Dhoraiya P.S. Case No. 241 of 2015 registered under Sections 341, 323, 429, 506, 504 of the Indian Penal Code as well as Sections 3(i)(x) of the SC/ST Act.



By order dated 18.08.2018, prayer of anticipatory bail of appellant no. 5 Dashrath Sah has already been held infructuous.

Informant is not the eyewitness of the occurrence. The daughter of the informant was examined by the police and her statement has been recorded in paragraph 38 of the case diary wherein she has not named these appellants. Rather, some unknown person are alleged to have poisoned to the cow of the informant. The daughter has not supported other allegations disclosed in the FIR.

Learned Special Public Prosecutor opposed the prayer for bail.

In the circumstances, **let the appellant nos. 1 to 4 and 6**, 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 **appellant nos. 1 to 4 and 6** 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 **appellant nos. 1 to 4 and 6** as well as condition that both the bailors shall be resident of 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.
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