

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3065 of 2018

Arising Out of PS.Case No. -94 Year- 2018 Thana -DHAMDAHA District- PURNIA

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1. Banti Kumar @ Banti Mehta, son of Naresh Mehta, resident of Village- Paharpur, P.S. Sour Bazar, District Purnea at present residing at Damgara, P.S. Dhamdaha, District Purnea.
 2. Suman Kumar son of Shyam Sundar Yadav.
 3. Saurav Kumar son of Sanjay Kumar Yadav @ Sanjay Yadav.
 4. Vikram Kumar @ Vikram Yadav son of Late Arun Yadav.
 5. Bittu Kumar @ Bittu Mehta son of Gopal Mehta.
 6. Punit Kumar son of Shyam Sundar Yadav.
 7. Nirmal Kumar @ Nirmal Kumar Yadav, son of Bal Kishore Yadav. No. 2 to 7 are resident of Village- Damgara, P.S. Dhamdaha, District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rounak Kumar Singh "PANKAJ", Adv

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 21.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in A.B.P. No.47 of 2018, arising out of Dhamdaha Police Station Case No.94 of 2018 (Special SC/ST Case No.64 of 2018), registered under Sections 323/341/379/504/506/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Though there is general and omnibus allegation of commission of abuse and assault to the son of the informant. However, submission is that there is no injury report to substantiate



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the allegation. Nor there is averment in the FIR, lodged after two days of the occurrence, that the son of the informant got any treatment; rather it is disclosed in the FIR that the matter was to be settled before the Panchayat which could not be settled. The appellants have stated on oath that they 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 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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