

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3140 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- BANKA District- Banka

Shankar Yadav, son of Birju Yadav, resident of Village - Douna, P.S. Banka,
District - Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

Criminal Appeal (SJ) No. 3207 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- BANKA District- Banka

Suresh Yadav, son of Late Kobi Yadav, resident of village-Dauna, P.S. Banka,
District-Banka.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In Criminal Appeal (SJ) No. 3140 of 2018)

For the Appellant/s : Mr. Brij Nandad Prasad

For the Respondent/s : Smt Usha Kumari No-1

(In Criminal Appeal (SJ) No. 3207 of 2018)

For the Appellant/s : Mr. Brij Nandad Prasad

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-12-2018

Heard learned counsel for the parties.

These appeals are 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 21.07.2018 and 25.05.2018 in A.B.P. No. 733 of
2018 and A.B.P. No. 550 of 2018 passed by the learned 1st



Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Banka in connection with Banka P.S. Case No. 185 of 2018 registered under Sections 341, 323, 385, 379, 504/34 of the Indian Penal Code as well as Sections 3(1)(r) of the SC/ST Act.

According to FIR, the appellants intercepted the informant on the way and snatched his money after commission of abuse and assault for the reason that the informant had not paid ransom to them already demanded.

Learned counsel for the appellants submits that appellants have got no criminal antecedent. False allegation is there for the reason that a simple altercation has taken place at the bus stand between the son of the informant and appellants and for that reason, the present false case was lodged.

Since, no other eye witness has supported the allegation and the statement of some of the witnesses before the police is against the prosecution case, 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 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 the territorial jurisdiction of the learned court below.

Accordingly, the impugned orders are set aside and these appeals stand allowed.

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

