

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3237 of 2018

Arising Out of P.S.Case No. -31 Year- 2018 Thana -DERNI BAZAR District- SARAN

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1. Ashok Rai, S/o Jamadar Rai,
2. Jitendra Rai S/o Sabha Rai, Both are R/o Vill.- Pirari, P.S.- Darni, District-
Saran. Appellant/s

Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Prakash, Adv

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 23.07.2018 in A.B.P. No.1635 of 2018 passed by the learned 1st Addl. Sessions Judge, Saran at Chapra in connection with Darni P.S.Case No. 31 of 2018 registered under Sections 147,149,341,323,307,504 of the Indian Penal Code and Sections 3(i)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case. During occurrence of assault, specific allegation is against appellant-Ashok Rai to have caused injury at the head of Asha Kuwar.

Submission is that Doctor has found simple injury.

Considering the fact that appellant-Ashok Rai had



knowledge that his act might cause death, I am not inclined to enlarge him on anticipatory bail.

Let appellant-Ashok Rai surrender within three weeks and pray for regular bail.

Appellant-Jitendra Rai allegedly caused injury on non-vital part of the body, hence, let the appellant No.2, above named, in the event of his 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 bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of 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 and further the appellant 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.

Accordingly, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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