

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3505 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -CHUTIA SAHAYAK District- SASARAM
(ROHTAS)

- =====
1. Bashant Mishra @ Bashant Kumar Mishra, (Up-Mukhia, Tehara Panchayat), S/o Ram Ashisha Mishra,
 2. Anand Mishra @ Sonu Mishra @ Anand Kumar Mishra S/o Sri Ram Ashisha Mishra,
 3. Bhuwar Mishra (Dhiraj Kumar Mishra), S/o Dukhi Mishra, All R/o Village- Pararia, P.S.- Chutiya, District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 13-02-2018

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 by the learned 1st Additional Sessions Judge, Rohtas, Sasaram, in connection with Chutiya Police Station Case No.16 of 2017 registered under Sections 341/323/448/379/506/34 of the Indian Penal Code and Sections 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence of abuse and assault allegedly took place inside the house of the informant and not in the public place



as per F.I.R. Hence, bar under Section 18 of the Act is not applicable.

Finding substance in the submission aforesaid, 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 appeal is allowed.

(Birendra Kumar, J)

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