

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3591 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -BUNIADGANJ District- GAYA

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1. Lalu Kumar
2. Golu Kumar both Sons of Ramkrit Sharma.
3. Santan Mistry @ Santan Sharma, son of Kishori Mistry, All are
Resident of Village- Sekha Bigha, P.S.- Buniyadganj, District- Gaya.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Sanjay Kr. Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-02-2018

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 the learned Special Judge, SC/ST, Gaya in connection with Buniyadganj P.S.Case No. 26 of 2017 registered under Sections 147, 323, 307, 379, 341 and 342 of the Indian Penal Code.

Due to accident between a motorcycle and a tempo, the appellants allegedly wrongfully confined the informant as per the FIR. The FIR has not been registered for any offence under the provisions of S.C./S.T. Act nor the ingredients of any offence is made out on bare perusal of the



FIR. Therefore, the impugned order is not sustainable. Accordingly, the same is set aside.

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 bond of Rs.20,000 (Twenty Thousand) each 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 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, this appeal stands allowed and the impugned order is set aside.

(Birendra Kumar, J)

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