

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.107 of 2018

Arising Out of PS.Case No. -103 Year- 2017 Thana -BHARGAWAN District- ARRARIA

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1. Sanjiv Kumar @ Sanjiv Bhagat, Son of Nityanand Bhagat, resident of Village-
Kadmaha, Police Station- Bhargama, District- Araria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-04-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in Bhargama P.S. Case No. 103 of 2017 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504/34 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(i)(r) of the SC/ST Act.

The FIR would reveal that 10 persons including the appellant variously armed, came at the place where the informant was constructing his house and started abusing. Specific allegation is against co-accused Mukesh Bhagat to have fired from his gun causing injury to different person.



Learned counsel for the informant opposed the prayer for bail.

Considering the fact that allegation of commission of abuse is general and omnibus and no other overt act is alleged against the appellant, let the appellant, 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 bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) 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 appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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