

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.3869 of 2018**

Arising Out of PS. Case No.-94 Year-2017 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

- 
1. Devendra Upadhyay son of Baidynath Upadhyay
  2. Arjun Upadhyay son of Devendra Upadhyay
  3. Sheo Shankar Upadhyay son of Rajdeo Upadhyay
  4. Bishwanath Upadhyay son of Jai Mangal Upadhyay
  5. Paras Upadhyay @ Paras Nath Upadhyay, son of Nagendra Upadhyay All are Resident of Village- Kalayanpur, Police Station- Kalayanpur, District- East Champaran. ... .. Appellant/s
- Versus

The State of Bihar ... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Dilip Kumar Tondon, Adv

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

---

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 14-12-2018**

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 06.09.2018 in A.B.P. No.23761 of 2018 passed by the learned 1<sup>st</sup> Additional Sessions Judge-Special Judge SC/ST, East Champaran, Motihari in connection with Complaint Case No. 94 of 2017 arising out of Kalyanpur P.S.Case No.116 of 2016 registered under Sections 341,323,354,379,504,506/34 of the Indian Penal Code and Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The offences of the Indian Penal Code alleged against the appellants are bailable save and except Section 379 of the Indian Penal Code.



Submission is that the said allegation is ornamental one. Moreover, after investigation, the police did not send up the appellants for trial. However, the learned Magistrate has differed with the police report. Appellants have got no criminal antecedent.

Considering the facts 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 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 and further 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 this appeal stands allowed.

**(Birendra Kumar, J)**

Nitesh/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 17.12.2018 |
| Transmission Date | 17.12.2018 |

