

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.942 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -DEO District- AURANGABAD

=====

1. Chandan Kumar,
2. Dina Nath Kumar, Both are sons of Rajdeo Prasad Chourasia, Resident of
Village- Khemchand Bigha, P.S.- Deo, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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, against refusal of the prayer for anticipatory bail by the learned 1st Additional District & Sessions Judge- cum- Special Judge, SC/ST, Aurangabad in connection with Deo P.S. Case No. 01/2018 registered under Sections 341, 323, 325, 308 and 504/34 of the Indian Penal Code as well as Sections 3(i)(r), 3(i)(s) and 3(2)(V)a of the SC/ST Act.

According to F.I.R., the appellants who are full brothers, allegedly assaulted the informant and abused by taking caste name.

Learned counsel for the appellants submits that the case diary would reveal that the witnesses have stated before the police that in



fact occurrence of assault had taken place between the informant and one Abhishek for the reason of some affairs between the appellant Chandan Kumar and the daughter of the informant.

Since allegation is not corroborated by other witnesses, 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 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 appellants 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 appellants.

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

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	14.05.2018
Transmission Date	14.05.2018

