

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1308 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- NADI P.S. District- Patna

=====

Golu Kumar, S/o Sanjay Yadav @ Sanjay Kumar, R/o Village- Tilak Nagar,
P.S.- Nadi, District- Patna (Bihar).

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anirudh Kumar Singh
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 29-08-2018

In pursuance of order dated 08.08.2018, the Sub-Divisional Police Officer, Fatuha is present along with case diary. His explanation for non-submission of the case diary is accepted and he is exonerated from personal appearance.

Heard learned counsel for the parties.

This is an appeal under Section 14A (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 vide order dated 12.03.2018 passed by the learned Additional Sessions Judge-V-cum-Special Judge S.C./S.T. Act, Patna in A.B.P. No.1389 of 2018, arising out of Nadi Police Station Case No.66 of 2017 registered under Sections 341, 323, 506, 379/34 of the Indian Penal Code and Section 3 (i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Submission of the learned counsel for the appellant is that a bare perusal of the F.I.R. would reveal that no allegation is there against the appellants under the provisions of the S.C./S.T. Act. Hence, bar under Section 18 of the S.C./S.T. Act is not applicable. The offences alleged under the Penal Code are almost bailable one.

Considering the aforesaid facts, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/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)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

