

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1014 of 2018

Arising Out of PS.Case No. -11 Year- 2017 Thana -SC/ST District- KHAGARIA

- =====
1. Brajesh Sharma @ Brajesh Kumar, son of Chamru Sharma,
 2. Chamru Sharma, Son of Late Saryug Sharma,
 3. Arun Sharma, Son of Ramjan Sharma,
 4. Ramdeo Thakur, Son of Late Keshav Thakur @ Kesho Thakur, All are resident of village- Mathurapur, Ward No. 5, Police Station- Khagaria (Town) District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Viveka Nand Singh, Advocate

For the Respondent/s : Smt. Usha Kumari No.1, SPPs

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

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 against the refusal of prayer for anticipatory bail dated 13.12.2017 passed in Special (SC/ST) A.B.P. No.32 of 2017 by the learned Additional Sessions Judge-I, Khagaria, in connection with Khagaria SC/ST Police Station Case No.11 of 2017 registered under Sections 147/148/149/447/379/427/504/506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The impugned order reveals that submission of the appellants before the learned Court-below was that in the referred earlier criminal case, the appellants were witnesses against the husband of the informant.



Submission is that just to pressurize the present false case has been lodged with general and omnibus allegation of abuse and assault.

Considering the background of allegation the present prosecution suffers from mala fide so far consideration of this prayer for anticipatory bail is concerned, 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 bonds of Rs.20,000/- (Twenty Thousand) each 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/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 is allowed.

(Birendra Kumar, J)

Mkr./-

S

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

