

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1791 of 2018

Arising Out of PS.Case No. -475 Year- 2016 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Jitendra Soni @ Jitendra Prasad, son of Krishna Soni, resident of Mohalla-Kachauri Gali, P.S.- Dehri (T), District- Rohtas.
 2. Manoj Soni @ Manoj Kumar, son of Krishna Soni, Resident of Mohalla-Jhabarmal Gali, P.S.- Dehri (T), District- Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.
2. Om Prakash Paswan S/o. late Motilal Ram, R/o. Mohalla, Barahpathar, P.S. Dehri, District- Rohtas

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 02-08-2018

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 vide order dated 26.04.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Rohtas at Sasaram, in Protest-cum-Complaint Case No.475(C) of 2016, registered under Sections 341/323/504/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Initially a police case was lodged for the occurrence. After



investigation, the police submitted final form and thereafter on protest the cognizance has been taken. The FIR would reveal that the offences alleged under the Indian Penal Code are bailable. The appellants have stated on oath that they have got no criminal antecedent.

Considering the entire 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 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./-

AFR/NAFR	NAFR
CAV DATE	NA
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