

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.937 of 2018

Arising Out of PS.Case No. -25 Year- 2017 Thana -SC/ST District- ARRARIA

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1. Basudeo Sah Son of Late Chittan Sah
 2. Dhukahn Sah @ Dukhan Lal Sah Son of Basudeo Sah
 3. Rajendra Sah Son of Sukhanu Sah All three residents of Village - Hasanpur, Ward No. 11, P.S. - Palasi, District - Araria.
 4. Bhaskar Sah @ Bhargav Kumar Bhaskar @ Bhargava Kumar Bhaskar Son of Soti Lal Sah
 5. Nilu Sah @ Kumar Neel Kamal Son of Soti Lal Sah both residents of Village - Palasi, P.S. - Palasi, District - Araria, Bihar.

.... Appellant/s

Versus

1. The State of Bihar.
2. Vijay Kumar Rishideo Son of Late Jeetan Rishideo resident of Village - Sohagpur Colony, Ward No. 12, P.S. Palasi, District Araria, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sharma, Advocate

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

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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 vide order dated 09.02.2018 passed in A.B.P. No.96 of 2018 by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, in connection with Special Case No.104 of 2017, arising out of SC/ST Police Station Case No.25 of 2017 registered under Sections 447/323/324/354B/504/506/34 of the Indian Penal Code and Section



3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that the appellants are also members of the scheduled caste.

Considering the nature of allegation under the Indian Penal Code which are mostly bailable, 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	
CAV DATE	NA
Uploading Date	
Transmission Date	

