

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4091 of 2018

Arising Out of PS. Case No.-1143 Year-2015 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Jagdish Mehta, S/o Raghu Mehta,
2. Bhim Mehta, S/o Raghu Mehta, Both are resident of Village-
Abdulpur Tola, Mahabirganj, P.S.- Rafiganj, District-
Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shankar Dhobi son of late Bipat Dhobi, R/o. Village- Abdulpur, P.S.
Rafiganj, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 28.09.2018 passed by the learned Special Judge (S.C./S.T. Act), Aurangabad, in Complaint Case No.1143 of 2015, arising out of SC/ST P.S. Case No.8 of 2009, registered under Sections 504/506 of the Indian Penal Code and Sections 3(i) (iv)(v)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR would reveal that the offences of the Indian Penal Code alleged against the appellants are bailable. After



investigation, the police submitted final form not sending up the appellants for trial. Thereafter, on the basis of protest petition filed by the informant cognizance had been taken.

Considering the fact that two probable views are there and the appellants have got no criminal antecedent, 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 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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