

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3498 of 2018

Arising Out of PS.Case No. -420 Year- 2018 Thana -TURKAULIYA District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Chhathu Rai @ Chatu Ray, Son of Late Mahesh Rai
 2. Nand Kishor Rai, Son of Late Mahesh Rai
 3. Ram Jee Rai, Son of Nand Bihari Rai, All are residents of Village - Kaparsandi,
P.S. Turkaulia, District East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar, Rajesh Ranjan,
Advocates

For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 24.08.2018 in Turkaulia P.S. Case No. 420 of 2018 passed by the learned 7th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with the aforesaid case registered under Sections 147, 148, 149, 341, 323, 332, 353, 307, 379, 435 of the Indian Penal Code, Section 27 of the Arms Act, Section 45 of the Bihar Prohibition & Excise Act, 2016 as well as Sections 3(i)(r)(s) of the SC/ST Act.

The police got information that illegal liquor is being prepared in the field of the person referred in the FIR. When the police



went there, the appellants and others allegedly obstructed the police in discharge of their official duty and abused to the informant, who is a policeman, by taking caste name.

Submission is that there is general and omnibus nature of allegation. Appellants have got no criminal antecedent and they are in custody since 12.07.2018.

Considering the aforesaid facts, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with the aforesaid case, subject to the 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.09.2018
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