

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1087 of 2018

Arising Out of PS.Case No. -26 Year- 2017 Thana -SC/ST District- SHEOHAR

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1. Kanhai Choudhary, Son of Late Tulsi Choudhary,
 2. Govind Choudhary @ Govinda Kumar.
 3. Pappu Choudhary.
 4. Girdhari Choudhary @ Girdhari Kumar Appellant No. 2 to 4 are sons of Kanhai Choudhary. All are resident of Village Natwara, P.S. Tariyani, District-Sheohar.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Hans Lal Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 10-05-2018

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 by the learned Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Sheohar, in connection with Sheohar SC/ST Police Station Case No.26 of 2017 registered under Sections 341/323/504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(u)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant was tenant in the house of the appellants. When the informant was taking back his belongings from the rented



house, the appellants asked for due rent. On denial by the informant of any rent, due with him, the allegation is of commission of assault.

Considering the background of allegation the chances of false implication cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, 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./Sanjeev

AFR/NAFR	
CAV DATE	NA
Uploading Date	
Transmission Date	

