

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.406 of 2018

Arising Out of PS.Case No. -210 Year- 2017 Thana -CHARPOKHARI District- BHOJPUR

- =====
1. Nirmal Mishra @ Nirmal Kumar Mishra Son of late Nand Kumar Mishra
 2. Ranjit Mishra @ Ranjeet Kumar Mishra Son of Nirmal Mishra Both are resident of Village- Jamira, Police Station- Ara Muffasil, District- Bhojpur, Bihar.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 10-04-2018

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 anticipatory bail by the learned Special Judge, S.C./S.T., Ara, Bhojpur in Charpokhari P.S. Case No. 210 of 2017 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code as well as Section 3(i)(r)(s) of the SC/ST Act.

The offences alleged under the Indian Penal Code are bailable. The occurrence allegedly took place for some dispute arising out of a transaction to sell the land. Allegation is general and omnibus of commission of abuse by taking caste name.



Considering the aforesaid fact, in my view, the appellants deserve protection of 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/- (rupees 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 and 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 this appeal stands allowed.

(Birendra Kumar, J)

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