

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.193 of 2018

Arising Out of PS.Case No. -433 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Nitesh Kumar S/o Shubhuk Lal Yadav, R/o Village- Durgapur, P.S.-
Khagaria (Muffasil), District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bishweshwar Ram, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-03-2018

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-I, Khagaria, in Khagaria Mufasil Police Station Case No.433 of 2016 registered under Sections 147/148/149/341/323/386/354 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Mother of the appellant had lodged Khagaria Muffasil P.S. Case No.252 of 2016 against the son of the informant of this case and others with allegation that the accused persons came variously armed and by force took away to the daughter of the



informant.

Submission is that by way of retaliation, the present F.I.R. has been lodged with general and omnibus allegation of commission of assault, abuse and attempt to outrage the modesty of the family members of the informant.

Considering the background and the general and omnibus nature of allegation, let the appellant, above named, in the event of his 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) 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 appellant 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 appellant.

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

(Birendra Kumar, J)

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