

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1644 of 2018

Arising Out of PS.Case No. -201 Year- 2016 Thana -BIHRA District- SAHARSA

=====

1. Shailendra Kumar Singh @ Sintu Singh, Son of Brahamdev Singh @ Brahma Dev Singh, resident of Village- Purikh, P.S.- Bihra, District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Madhav Jha, Adv

For the Respondent/s : Smt. Usha Kumari No.1,SPP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

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 order dated 06.04.2018 in A.B.P. No. 283 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Saharsa in connection with Bihra P.S. Case No. 201 of 2016 registered under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 of the Indian Penal Code as well as Sections 3(1)(x), 3(2)(v) of the SC/ST Act.

Though there is general and omnibus allegation of commission of assault against the appellant and other named



accused person. However, after investigation, the appellant and his father were not sent up for trial. However, the learned court below has taken cognizance against the appellant.

Submission of the learned counsel for the appellant is that the allegation is general and omnibus. Further submission is that even the injured witnesses have not supported before the police regarding complicity of the appellant or his father.

Two views are apparently possible; one based on the material collected during investigation and another is disagreement of the Magistrate, hence, the view in favour of the appellant should be preferred for the purpose of consideration of prayer for anticipatory bail.

Learned Special Public Prosecutor has opposed the prayer for bail on the ground that some other injured witnesses have supported the allegation against the appellant of firing, though the same caused no injury to anyone but common intention of the unlawful assembly is evident.

Considering the aforesaid material, 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 bond of Rs.20,000/- (rupees 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2018
Transmission Date	18.07.2018

