

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1640 of 2018

Arising Out of PS.Case No. -66 Year- 2016 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Arun Kumar Thakur, S/o Late Ram Vilash Thakur, resident of Village- Singhiya,
P.S. Chakmehsi, District- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-09-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 05.01.2018 in A.B.P. No.1840 of 2017 passed by the learned 1st Additional Sessions Judge, Samastipur in connection with Chakmehsi P.S.Case No. 66 of 2016 arising out of T.R.No.655 of 2017, 43 of 2016 registered under Sections 341,323,504,506/34 of the Indian Penal Code as well as under Sections 3(1),(r),(s)/3(2),(va) of the Scheduled Castes and Scheduled Tribes Act.

The offences of the Indian Penal Code alleged against the appellant are bailable. After investigation, the police did not send up the appellant for trial. However, the learned Magistrate



has differed with the opinion of the police and taken cognizance against the appellant. Appellant has stated on oath that he has got no criminal antecedent. The aforesaid material sufficiently establishes that the appellant deserves protection of law.

Hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 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	14.09.2018
Transmission Date	14.09.2018

