

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3269 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -GHOSI District- JEHANABAD

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1. Raju Bind Son of Ram Chandra Bind resident of Village - Khiroti Garh, P.S. Ghosi, District - Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2018

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 vide order dated 27.07.2018 passed by the learned Additional Sessions Judge-1st, Jehanabad, in A.B.P. No. 1110 of 2018, arising out of Ghosi Police Station Case No. 05 of 2017, registered under Sections 147/148/149/323/504/307/337 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellant and others is of abusing the informant by taking caste name and also firing upon the informant.

Submission of learned counsel for the appellant is that no



specific allegation has been attributed of abusing the informant by caste name; rather allegation is general in nature. Twenty accused persons are named in FIR. So far as the allegation of assault is concerned, there is general allegation. Co-accused Kalyan Bind and others have been allowed anticipatory bail by a coordinate Bench of this Court vide Annexure-3.

Considering the aforesaid facts, 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)

Mkr./-

AFR/NAFR	NAFR
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