

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3388 of 2018

Arising Out of PS. Case No.-189 Year-2018 Thana- TEKARI District- Gaya

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Birendra Yadav S/o Rajendra Yadav, R/o Vill.- Malsari, P.S.- Tikari, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shama Sinha

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 04-12-2018

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 vide order dated 26.07.2018 in A.B.P. No. 163 of 2018 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 189 of 2018 registered under Sections 147, 148, 149, 341, 323, 326, 448, 307, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act as well as Sections 3(r)(s) of the SC/ST Act.

In the first part of occurrence disclosed in the FIR, the appellant has not participated. In the subsequent part, the allegation is general and omnibus against six persons of



commission of abuse, assault and firing in the air to create panic.

Considering the nature of allegation and the statement of the appellant that he is not accused in any other case under SC & ST (POA) Act, 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/- (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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.12.2018
Transmission Date	06.12.2018

