

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.698 of 2018

Arising Out of PS.Case No. -121 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Shiv Jee Sah, son of Munilal Sah,
2. Shambhu Rai, son of Late Bashu Rai,
3. Panjabi Rai, son of Shambhu Rai 1 to 3 are Resident of Village- Bara Pakari,
P.S.- Lakhaura, District- East Champaran.
4. Nand Lal Rai @ Nand Lal, son of Late Bhikhari Rai, Resident of Village-
Kharmkhiya, P.S.- Lakhaura, District- East Champaran.
5. Jitendra Singh, son of Bhag Narayan Singh,
6. Manoj Singh, son of Bhag Narayan Singh, 5 to 6 are Resident of Village-
Majirwa, P.S.- Lakhaura, District- East Champaran Appellant/s
Versus
1. The State of Bihar. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Adv
For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-06-2018

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 the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST East Champaran Motihari in connection with Ghorasahan (Lakhaura) P.S.Case No. 121 of 2014 registered under Sections 147, 148, 149, 341, 342, 323, 380, 427, 448, 457, 504, 506 of the Indian Penal Code as well as under Sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes Act.

The appellants alongwith others are suspected to



have damaged the office of the Communist Party of India as well as the residential house of Raju Paswan situated nearby and further allegation is of commission of theft thereat.

Submission is that informant is not an eye witness of the occurrence nor any other witness has supported the allegation as eye witness.

Considering the aforesaid material, in my view, the appellants deserve anticipatory bail, hence, let the appellants, above named, in the event of their 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) each 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 as well as condition that the appellants 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 appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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