

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1321 of 2018

Arising Out of PS.Case No. -25 Year- 2018 Thana -NAWADA MUFFASIL District- NAWADA

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1. Md. Raja @ Raja, s/o Md. Quam Alam,
 2. Md. Chhotu Alam @ Raja, s/o Shokul Ahmad,
 3. Md. Afsar Alam, s/o Md. Anwar Alam,
 4. Md. Jamil, s/o Md. Kamal,
 5. Md. Adil, s/o Md. Munna,
 6. Md. Surkhaw, s/o Md. Haviv,
 7. Md. Soheb, s/o Ayub, all residents of village - Sonsihari, P.S. - Nawada Muffasil, District - Nawada.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Deo Raj, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-05-2018

Heard 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 refusal of prayer for anticipatory bail in **Nawada Muffasil P.S. Case No.25 of 2018** instituted under Section(s) 147, 148, 149, 323, 307, 504 Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It has been submitted that there is case and counter case. Instant case is counter blast of Nawada Muffasil P.S. Case No.26 of 2018 filed against the husband of the informant and



other accused persons.

In the instant case, there is general and omnibus allegation against all these appellants of assaulting the informant and his family members and abusing by taking caste name.

Counsel for the appellants submits that there is no any injury sustained by the injured as mentioned in para 8 of the bail petition.

Considering the aforesaid facts, let the appellants, above named, in the event of their arrest/surrender within a period of six weeks from today in connection with **Nawada Muffasil P.S. Case No.25 of 2018**, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge 1st-cum-Special Judge, Nawada**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of bail of the petitioners.

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

(Sanjay Priya, J)

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