

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1549 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -BARH District- PATNA

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1. Bal Krishna Mistri, Son of Late Jago Mistri,
2. Birendra Sharma, Son of Bal Krishna Mistri,
3. Shashi Sharma, Son of Bal Krishna Mistri,
4. Karu Sharma, Son of Bal Krishna Mistri,
5. Ganit Sharma @ Virana Sharma, Son of Bal Krishna Mistri,
6. Akash Kumar, Son of Birendra Sharma,
7. Chandan Kumar, Son of Birendra Sharma,
8. Gautam Kumar, Son of Late Surendra Sharma,
9. Sanjay Kumar @ Sonu Kumar, Son of Late Surendra Sharma, All R/o Village-
Kazichak, P.S.- Barh, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-07-2018

Heard learned counsel for the parties.

Appellant No.4 Karu Sharma has already been arrested in this case. Hence, his prayer for anticipatory bail has become infructuous now.

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 12.03.2018 passed by the learned Special Judge (S.C./S.T. Act), Patna, in A.B.P. No.1560 of 2018, arising out of Barh Police Station Case No.17 of 2018 registered under Sections 341/323/504 /354 / 379 /34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Civil dispute is going between the parties which would be evident from Annexure-3. In the aforesaid background, there is general and omnibus allegation of commission of abuse and assault by taking caste name.

Considering the aforesaid facts, let the remaining 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 bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each 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 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, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.07.2018
Transmission Date	20.07.2018

