

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2644 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- SAHPUR District- Bhojpur

Rakesh Tiwary, S/o Late Bali Tiwary @ Ram Narayan Tiwary, R/o Vill.-
Bariswan, P.S. - Shahpur, District - Bhojpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Rai
For the Respondent/s : Smt. Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 20-11-2018

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 07.06.2018 in A.B.P. No. 609 of 2018 passed by the learned 1st Additional Sessions Judge, Bhojpur (Ara) in connection with Shahpur P.S. Case No. 104 of 2018 registered under Sections 341, 323, 324, 379, 504, 506 of the Indian Penal Code as well as Sections 3(i)(r)(s) of the SC/ST Act.

The appellant assaulted to the informant for the reason that father of the informant, who was local Chaukidar, had reported to the police regarding illegal activity of the appellant in sale of liquor.

Appellant is suffering from oral carcinoma which would be evident from the prescription and pathological report



annexed with the memo of appeal.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the ailment of the appellant, 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 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 within 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	26.11.2018
Transmission Date	26.11.2018

