

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1785 of 2018

Arising Out of PS.Case No. -16 Year- 2017 Thana -CHUTIA SAHAYAK District- SASARAM
(ROHTAS)

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1. Murari Mishra @ Krishna Murari Mishra S/o Ram Ashish Mishra R/o Village -
Pararia, P.S. - Chutiya, District - Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Krishna Mohan Mishra, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-08-2018

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 against the refusal of prayer for anticipatory bail by order dated 28.04.2018 in (A.B.P.)Registered Case No. 277 of 2017 passed by the learned 1st Additional Sessions Judge, Rohtas, Sasaram, in connection with Chutiya Police Station Case No.16 of 2017 registered under Sections 341/323/448/379/506/34 of the Indian Penal Code and Sections 3(1) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The occurrence of abuse and assault allegedly took place inside the house of the informant and not in the public



place as per F.I.R. Hence, bar under Section 18 of the Act is not applicable.

Finding substance in the submission aforesaid, 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 (Twenty Thousand) 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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