

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2988 of 2018

Arising Out of P.S.Case No. -47 Year- 2018 Thana -NTPC District- PATNA

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1. Manju Kumari, W/o Ashok Kumar Pd. Singh @ Ashok Kumar Prasad Yadav,
2. Usha Kumari W/o Awdhesh Prasad,
3. Ranju Devi @ Ranju Kumari W/o Madho Yadav,
4. Navin Kumar S/o Daya Nand Yadav @ Daya Nand Prasad Singh,
5. Suman Kumar S/o Ashok Yadav @ Ashok Kumar Pd. Singh, All Residents of
Vill. + Post- Raily, P.S.- NTPC, Sub- Division, Barh, District- Patna.- Appellant/s
Versus

1. The State of Bihar Respondent/s

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Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh, Adv
For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 12-09-2018

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 order dated 19.07.2018 in A.B.P. No.5145 of 2018 passed by the learned Special Judge SC/ST Act, Patna in connection with NTPC P.S.Case No. 47 of 2018, Special Case No.344 of 2018 registered under Sections 147,148,149,341,323,307,504 and 506 of the Indian Penal Code and Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

There is general and omnibus allegation against the appellants of commission of house trespass and assault etc.

Submission is that false implication is there for the reason that the villagers have filed a complaint against Krishnandan Paswan, the agnate of the informant, complaining



therein that Krishnandan Paswan had put projection of his house on the lane which was obstructing the passersby, vide complain dated 13.03.2018 at Annexure-3.

Considering the background of allegation and the fact that the appellants have stated on oath that they have got no criminal antecedent, 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 and both bailors shall be resident of territorial jurisdiction of the learned court below and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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