

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1002 of 2018

Arising Out of PS.Case No. -39 Year- 2018 Thana -BARH District- PATNA

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1. Rakesh Kewat son of Phoolchand Kewat
 2. Chandradeep Kewat son of Janardan Kewat
 3. Ram Lagan Kewat son of Chalitra Kewat
 4. Sunil Kewat @ Sunil Prasad son of Late Ritlal Kewat
 5. Anurudh Kewat @ Anirudh Mallah @ Anirudh Prasad @ Anirudh Mahto son of Late Ritlal Kewat
 6. Raushan Kewat @ Ravi Raushan Kumar son of Phoolchand Kewat
 7. Mahendra Kewat son of Chalitra Kewat
 8. Raja Ram Kewat @ Raj Ram Kewat, son of Ramlagan Kewat
 9. Singheshwar Kewat son of Ram Saran Kewat All residents of village - Ismailpur, Police Station - Barh, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. Girija Devi wife of Dharmendra Paswan Resident of Village - Ismailpur, Police Station - Barh, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-05-2018

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, against refusal of the prayer for anticipatory bail by the learned Special Judge, SC/ST-cum- Vth Additional Sessions Judge, Patna in connection with Barh P.S. Case No. 39/2018 registered under Sections 341, 323, 324 and 307/34 of the Indian Penal Code as well as



Section 3(i)(r) of the SC/ST Act.

Appellant No. 9, Singheshwar Kewat has already been arrested. Accordingly, his prayer for anticipatory bail is infructuous now.

According to F.I.R., in the occurrence, appellant Rakesh Kewat and three other co-accused persons caught the informant with a malicious purpose. On alarm of the informant, the family members of the informant came as well as family members of other co-accused, who are appellants herein, also reached there and they committed assault with *lathi* etc. causing injury to different persons.

Learned counsel for the appellants submits that the family members of the other co-accused have falsely been roped in this case just to pressurize. Only the family members of the informant have supported the subsequent occurrence of the crime.

Considering the nature of allegation against the appellant, Rakesh Kewat, I am not inclined to enlarge him on anticipatory bail. Accordingly, his prayer for anticipatory bail is refused.

Considering the general and omnibus nature of commission of assault against other appellants, namely, Chandradeep Kewat, Ram Lagan Kewat, Sunil Kewat @ Sunil Prasad, Anurudh Kewat @ Anirudh Mallah @ Anirudh Prasad @ Anirudh Mahto, let



they, 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 bond of Rs. 20,000/- (rupees 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 and 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 stands partially allowed and partially dismissed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	
Transmission Date	

