

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.2460 of 2018**

Arising Out of PS.Case No. -305 Year- 2018 Thana -SHERGHATI District- GAYA

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1. Amit Kumar @ Kallu,  
2. Ashish Kumar @ Kanta @ Kanha,  
3. Ajit Kumar @ Patarki, all son of Ashok Singh, Resident of Village- Bishunpura,  
P.S.- Sherghati, District- Gaya.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Prithivi Raj Singh, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 01-11-2018**

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 19.06.2018 in A.B.P. No.131 of 2018 passed by the learned Special Judge SC/ST, Gaya in connection with Sherghati P.S.Case No. 305 of 2018 registered under Sections 341,323,504,506,379 and 34 of the Indian Penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to FIR, the appellants intercepted to the



informant, who is local Sarpanch, on the way and abused him by taking his caste name and assaulted with slaps etc. Further allegation is of commission of theft of money at the point of pistol.

The eye witnesses of the occurrence have stated before the police that the appellants were simply quarrelling with the informant as to why he indulges in forging list of beneficiaries of Indra Awas. The eye witnesses are specific that no occurrence of theft or putting pistol at the informant ever took place. The appellants have got no criminal antecedent.

Considering the fact that allegation in the FIR was not supported by any witness during investigation, 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 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/-

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| AFR/NAFR          | NAFR       |
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