

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4115 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- ANTICHAK District- Bhagalpur

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1. Ashok Yadav @ Ashok Kumar Yadav @ Jayaka Son of Late Gurucharan Yadav
 2. Uday Mandal, Son of Late Shambhu Mandal. Both Resident of Rani Diyara, P.S. Budhu Chak, District Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shyam Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the parties.

Appellant No.1 Ashok Yadav @ Ashok Kumar Yadav @

Jayaka has already been arrested in this case. Hence, his prayer for anticipatory bail is dismissed as infructuous now.

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 vide order dated 13.09.2018 passed by the learned 3rd Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Bhagalpur, in A.B.P. No.7 of 2018, arising out of Antichak Police Station Case No.46 of 2018, registered under Sections 341/323/504/506/307/147/148/149/447 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i) (r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

Submission is that civil suit is going on between the parties and considering the aforesaid fact as well as nature of allegation some other co-accused have been allowed regular bail by this Court vide Annexure-4.

Considering the background and nature of allegation mala fide prosecution of the appellant cannot be rule out. Hence, let appellant No.2 Uday Mandal, 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 bonds of Rs.20,000/- (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. Accordingly, the impugned order is set aside and appeal stands allowed.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
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