

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4007 of 2018

Arising Out of PS. Case No.-375 Year-2017 Thana- FATEHPUR District- Gaya

Suresh Paswan Son of Late Nemdhari Paswan Resident of Village-
Raghunatpur, P.S. Fathepur, Distt.-Gaya (Bihar)

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2018

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 vide order dated 26.07.2018 passed by the learned Special Judge (S.C./S.T. Act), Gaya, in A.B.P. No.150 of 2018, arising out of Fatehpur Police Station Case No.375 of 2017, registered under Section 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Thirteen persons are named in the FIR including the appellant with allegation that they dragged to the husband of the informant and subsequently committed murder.

Submission of the learned counsel for the appellant is



that the informant is neither an eyewitness of the occurrence of dragging away nor of the commission of murder.

Learned Special Public Prosecutor has opposed the prayer for anticipatory bail.

Considering substance in the aforesaid submission of appellant, 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 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.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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