

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3313 of 2018

Arising Out of PS. Case No.-4 Year-2016 Thana- SC/ST District- Sheohar

Ashraf Kamal @ Misri, son of Md. Ammar, Resident of Village- Amba
Sheikh Tole, P.S.- Piprahi, District- Sheohar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hans Lal Kumar
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-09-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11.06.2018 passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Sheohar in A.B.P. No.221 of 2018, arising out of Sheohar S.C./S.T. Police Station Case No.04 of 2016 registered under Sections 147, 149, 447, 323, 341, 354, 379, 504, 506 of the Indian Penal Code and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It appears that similarly situated some other co-accused have been allowed anticipatory bail by a co-ordinate Bench of this Court, vide *Annexure 4*, by a reasoned order.



Hence, 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 bond of Rs.20,000/- (Rupees 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

However, before accepting the bail bond of the appellant, the court below shall verify from the record that the appellant has never approached this Court for anticipatory bail in the past.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

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Uploading Date	
Transmission Date	

