

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4076 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- JOGAPATTI District- West Champaran

Laxman Prasad, Son of Late Bhuteli Prasad, Resident of Village - Jagiraha
Pipra, Police Station - Yogapatti, District - West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.09.2018 in A.B.P. No. 1664 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, West Champaran at Bettiah in connection with Yogapatti P.S. Case No. 21 of 2018 registered under Sections 341, 323, 324, 379, 504/34 of the Indian Penal Code as well as Sections 3(i)(d) of the SC/ST Act.

For trivial dispute, the appellant allegedly assaulted with *farsa* causing injury at the head of the informant. The Doctor has found lacerated wound at the parietal region of the informant, simple in nature caused by hard blunt substance.

Submission is that appellant has got no criminal



antecedent and the injury report is not consistent with the prosecution allegation of commission of assault with *farsa* which is a weapon of cutting.

Considering the aforesaid facts, 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 anticipatory 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 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 as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
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