

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4079 of 2018

Arising Out of PS. Case No.-299 Year-2017 Thana- GARKHA District- Saran

Md. Shahnawaj @ Shahnawaj Mian, S/o Late Md. Sanaullah, resident of
Mohalla- Chhota Telpa, P.S.- Chapra (Town), District- Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Smt Usha Kumari No-1, SPP

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 against the refusal of prayer for anticipatory bail vide order dated 01.08.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No.1717 of 2018, arising out of Garkha Police Station Case No.299 of 2017, registered under Sections 504/323/ 341 /147 /148 of the Indian Penal Code and Sections 3(i)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Submission is that civil suit is going on for land dispute between the parties. The offences of the Indian Penal Code alleged against the appellant are bailable. The appellant has got no criminal antecedent.



Learned counsel for the informant opposed the prayer on the ground that allegation against the appellant is of commission of assault with sword.

The injury report at page-21 does not show that Budhu Manjhi had received any cut injury or any injury on the vital part of the body.

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 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
CAV DATE	NA
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