

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.75 of 2018

Arising Out of PS.Case No. -70 Year- 2016 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Bablu Jha @ Amit Raj @ Babalu Jha @ Babul Jha @ Amrit Raj, Son of
Anil Kumar Jha @ Barak Jha Resident of Village-Telhara Kala, Police
Station Kundwa Chainpur, District East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shivendra Kumar Sinha

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 07-02-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T.), East Champaran, Motihari in Kundwa Chainpur P.S. Case No. 70 of 2016 registered under Sections 341, 342, 307, 506 of the Indian Penal Code, Sections 25(1-b)a, 35, 27 of the Arms Act and Section 3(1)(x) of the SC/ST Act.

In the first occurrence, the allegation of commission of firing is against co-accused Suman Saurav and Golu Kumar who caused injury to different persons. Though the appellant was



there, there is no any overt act alleged. In the matter of some occurrence which took place a day before the occurrence of firing, no report was lodged with the police. Therefore, bar under Section 18 of the SC/ST Act is apparently not attracted.

Considering the nature of allegation against the 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 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 and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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