

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.479 of 2018

Arising Out of PS.Case No. -469 Year- 2017 Thana -MARHAURA District- SARAN

- =====
1. Om Prakash Sah @ Om Prakash Kumar
 2. Jai Prakash Sah @ Jai Prakash Kumar, Both are sons of Kanhaiya Sah, resident of Village - Rampur, P.S. Marhowrah, Distt.- Saran.
- Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 19-02-2018

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 (SC/ST), Saran at Chapra in Marhowrah (Gaura O.P.) P.S. Case No. 469 of 2017 registered under Sections 341, 447, 323, 338, 504, 302/34 of the Indian Penal Code as well as Section 3(R)(S) of the SC/ST Act.

For trivial dispute, the appellants and others, allegedly, assaulted to the husband of the informant on 18.10.2017. Subsequently, there was settlement between the parties that the appellants would bear the cost of the treatment of the husband of the informant. However, the appellants left the



victim at the hospital whereupon the informant came back to her house along with her husband on 26.10.2017 due to shortage of money. Thereafter, the husband of the informant died on 02.11.2017 and subsequently on the same day FIR of the occurrence was lodged.

Considering the aforesaid fact, in my view, the appellants deserve anticipatory bail, accordingly, let the appellants, above named, in the event of their 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/- (rupees twenty thousand) each 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 appellants 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 appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

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