

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2024 of 2018

Arising Out of PS.Case No. -47 Year- 2017 Thana -SC/ST District- SAHARSA

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1. Umesh Chandra Bharti, Son of Late Sagar Swarnkar
 2. Dinesh Chandra Bharti, Son of Late Sagar Swarnkar
 3. Ritesh Kumar @ Guddu @ Matuki, Son of Dinesh Chandra Bharti
 4. Vakil Sah, Son of Late Prithwi Swarnknar
 5. Deepak Swarnkar, Son of Sri Vakil Sah
 6. Chhotu Swarnkar, Son of Sri Vakil Sah
 7. Lalita Devi, Wife of Sri Vakil Sah
 8. Anita Devi, Wife of Umesh Chandra Bharti
 9. Jhalki Devi @ Alki Devi, Wife of Kamo Sah, All residents of Simri Bakhtiarapur, Kanu Tola, Police Station - Bakhtiarapur, District- Saharsa.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Upendra Prasad, Advocate
Mrs. Veena Kumari, Advocate
For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-07-2018

There is delay of few days in filing this appeal which is explained in the petition filed under Section 5 of the Limitation Act vide I.A. No. 1871 of 2018. Hence, the delay is condoned.

Accordingly, I.A. No. 1871 of 2018 stands allowed.

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 08.02.2018 in Saharsa SC/ST (Simri Bakhtiarapur) P.S. Case No. 47 of 2017 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Saharsa in connection with the aforesaid case registered under Sections 341, 323, 379, 354A, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(r)(s)(u) of the SC/ST Act.

For dispute relating to closing the *Rasta*, there is general and omnibus allegation of commission of abuse, assault and theft.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background and nature of allegation, 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/trial of the case, failing



which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	27.07.2018
Transmission Date	27.07.2018

