

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3659 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- SC/ST District- East Champaran

1. Vijay Kumar Sahni
2. Vinay Kumar Sahni Both are sons of Jamadar Sahni resident of village - Daroga Tola, Police Station - Banjariya and District - East Champaran. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K.Sinha, Sr.Adv.
	:	Mr.Girish Chandra Jha, Adv
For the Respondent/s	:	Mr. Sri Sadanand Paswan,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 10-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 30.08.2018 in A.B.P. No.2281 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST, East Champaran, Motihari in connection with SC/ST P.S.Case No. 67 of 2018 registered under Sections 341,323,379,504 and 34 of the Indian Penal Code and Sections 3(i)(a)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Utkarsh Kumar, son of the appellant-Vijay Kumar Sahni, had lodged Turkauliya (Banjariya) P.S.Case No.385 of 2018 on 26.06.2018 against the informant of this case and others. Thereafter, the present FIR was



lodged on 01.07.2018 with allegation that the appellants committed assault and theft. Appellants have got no criminal antecedent registered under SC/ST Act.

In the background of allegation, chances of malafide prosecution cannot be ruled out, hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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