

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4016 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- SALAKHUA District- Saharsa

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1. Sintu Yadav @ Churamani Kumar Son of Shambhu Yadav
2. Laxman Sah Son of Basdev Sah Both Resident of Village-
Khuresan,P.S. Salkhua (O.P. Banma Itahari),Distt.-Saharsa
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Adv

For the Respondent/s : Mr. Binay Krishna,SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-12-2018

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 04.09.2018 in A.B.P. No.525 of 2018 arising out of Salkhua (Bana Itahari O.P.) P.S.Case No.78 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Saharsa in connection with Salkhua (Bana Itahari O.P) P.S.Case No. 78 of 2018 registered under Sections 307,34 of the Indian Penal Code, 27 of Arms Act and under Sections 3(1)(r) of the Scheduled Castes and Scheduled Tribes Act.

On the occasion of a Barat procession, appellant No.1-Sintu Yadav @ Churamani Kumar allegedly fired in the air as well as on the ground which resulted in injury at the leg of the informant.

Considering the nature of allegation against



appellant No.1-Sintu Yadav @ Churamani Kumar, I am not inclined to enlarge him on anticipatory bail. Hence, prayer is refused. He may surrender and pray for regular bail.

There is no such allegation against appellant No.2, let him, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 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, this appeal is partly allowed and partly dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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