

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2815 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- MOTIPUR District- Muzaffarpur

1. Pankaj Rai,
2. Sanjay Rai, Both 1 & 2 sons of Late Rupan Rai,
3. Munchun Kumar,
4. Rahul Kumar, Both 3 & 4 sons of Late Shiv Kumar Rai,
5. Anil Kumar, S/o Jay Prakash Rai, All resident of Village- Bhawanidih, P.S.- Motipur, District- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raju Kumar Goswami, Advocate Mr. Pradhan Murlimanohar Prasad, Advocate Mr. Pawan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 02-11-2018

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 against the refusal of prayer for anticipatory bail vide order dated 06.07.2018 passed by the learned 11th Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Muzaffarpur, in A.B.P. No.1506 of 2018, arising out of Mitipur Police Station Case No.46 of 2018, registered under Sections 341/323/324/307/504/506/353/34 of the Indian Penal Code and Sections 3(i)(r) of the Scheduled Castes



and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is local Chaukidar. Allegation is that about 10-12 persons were constructing hutment in unauthorized manner near the gate of Sugar Mill, Motipur. When the informant asked them not to make hut, they abused and manhandled the informant.

Submission of the learned counsel for the appellants is that though allegation is against Rohit of commission of injury with Khanti at the head of the informant. However, the doctor has found simple laceration.

Considering the general and omnibus nature of allegation as well as the background of the allegation, which is not corroborated by the evidence, 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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