

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2179 of 2018

Arising Out of PS. Case No.-281 Year-2017 Thana- SIRDALA District- Nawada

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1. Sujit Kumar, Son of Sanjay Pd. Yadav @ Sanjay Prasad,
 2. Suresh Prasad, Son of Jeevlal Yadav,
 3. Sanjay Prasad Yadav @ Sanjay Prasad, S/o Kesho Pd. All R/o Village- Nababganj, P.S.- Sirdala, Dist- Nawada.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 01-11-2018

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 11.06.2018 passed by learned Additional Sessions Judge 1st-cum-Special Judge, Nawada, in A.B.P. No. 765 of 2018, arising out of Sirdala Police Station Case No.281 of 2017, registered under Sections 341/323/307/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The main allegation of commission of atrocities



against a member of scheduled caste is against appellant Sujit Kumar. Further allegation is that appellant Sujit Kumar caused injury with iron rod at the head of the son of the informant.

Considering the allegation against appellant Sujit Kumar, I am not inclined to enlarge him on anticipatory bail. Hence, prayer for anticipatory bail is refused.

There is general and omnibus allegation of assault against other appellants who are father and cousin of Sujit Kumar, They have got no criminal.

Considering the aforesaid facts, let the appellants, namely, Suresh Prasad and Sanjay Prasad Yadav @ Sanjay Prasad, 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 partly allowed and partly dismissed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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