

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1854 of 2018

Arising Out of PS.Case No. -1046 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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1. Manoj Kumar, Son of Late Tej Narayan Singh, resident of Village- Malti, P.S.- Ujiyarpur, District- Samastipur. At present Chief Commercial Clerk Rail, Samastipur.
 2. Vishaw Mohan Singh, son of Rama Pratap Singh, Railway Guard Narkatiyaganj, Mohalla + P.S.- Narkatiyaganj, District- Bettiah.
 3. Suresh Chandra Gupta, Son of Ravindra Prasad, Ticket Supervisor (Paryavekshak) Samastipur.
 4. Suman Kumar @ Suman Kumar Karn, S/o late Pawan Sutra Lal, Chief Ticket Supervisor Mohalla- Samastipur, P.S. and District- Samastipur.
 5. Raj Kumar, Son of Jagdish Rai, Teenishiyen Diesel Shed Samastipur, P.S. + District- Samastipur.
 6. Ramesh Kumar Jha, Son of R.N. Jha, Chief Ticket Inspector office Samastipur, Mohalla + P.S. + Distt. - Samastipur.
 7. Vimal Kumar Singh, Son of Late Lakshman Singh, Station Master Samastipur Junction, P.S. and Distt.- Samastipur.
 8. Rajeev Ratan Kumar @ Rajiv Kumar Ratan, Son of Chedi Lal, resident of Village and P.O. +P.S.- Pusa, District- Samastipur.
 9. Subhash Rai, Son of Late Dikodar Rai, Teenishiyen Diesel Road Samastipur, Mohalla + P.S. + Distt.- Samastipur.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-08-2018

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 17.02.2018 passed by the learned 1st Additional Sessions Judge,



Samastipur, in A.B.P. No.244 of 2018, arising out of Complaint Case No.1046 of 2016, registered under Sections 146/323/448/342/504/379 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellants are employees of the railways and the complainant is also a constable. Complaint Case No.3 of 2016 was lodged by appellant No.1 Manoj Kumar against the informant Ashok Paswan @ Ashok Kumar and others for the occurrence dated 18.07.2016 for the offence under Sections 147/323/341/342/379/384/386/504/506/34 of the Indian Penal Code. The appellants' complaint was filed on 20.07.2016. Thereafter, the present complaint has been filed with allegation that the appellants allegedly assaulted and committed theft of the belonging of the informant while the informant was returning after attending duty of the Court.

Considering the suppression of the earlier case lodged by the appellant as well as the fact that the appellants are government servant, 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
Uploading Date	09.08.2018
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