

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2516 of 2018

Arising Out of PS. Case No.-76 Year-2017 Thana- DARPA District- East Champaran

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Bharat Patel, Son of Late Bhikshan Patel @ Late Bhikshan Raut, Resident of
Village- Gamharia Kala, P.S.- Darpa, District- East Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Smt. Usha Kumari No-1, SPP-247

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-09-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 28.06.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, East Champaran, Motihari in A.B.P. No.1376 of 2018, arising out of Darpa Police Station Case No.76 of 2017 registered under Sections 341, 323, 328, 307, 379, 504/34 of the Indian Penal Code and Sections 3 (1)(a)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Since the informant had given some written complaint to the Authorities, allegation is that the F.I.R. named accused persons, including the appellant allegedly abused the informant for making such complaint and also committed assault.



Learned counsel for the State informed that witnesses examined before the Police have stated that this appellant was not present at the time of occurrence.

The appellant has got no criminal antecedent.

Considering the fact that allegation was not substantial during investigation, let the appellant, above named, 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 bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate 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, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

