

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.578 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -ALOU LI District- KHAGARIA

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1. Jitendra Singh, son of Ram Sogarath Singh,
 2. Ram Kumar Singh, son of Madan Singh. Both Resident of Village- Manikchak Ukhraura, P.S.- Alauli, District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Ram Sumiran Rai, Adv.

For the Respondent/s : Mr. Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-04-2018

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 by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Khagaria in Alauli P.S. Case No. 170 of 2017 registered under Sections 147, 148, 149, 448, 323, 436, 427, 380, 506 of the Indian Penal Code, Section 27 of the Arms Act as well as Section 3(1)(r)(s) of the SC/ST Act.

Co-accused Ram Priya Singh had lodged Alauli P.S. Case No. 167 of 2017 just prior to this case against husband of the informant of this case and others alleging therein that husband of the informant and others claim themselves to be members of the nauxal group. They allegedly committed assault with iron rod etc. They are in habit of lodging false cases against different villagers just to pressurize them.



Thereafter, the present FIR has been lodged against 9 persons alleging therein that they variously armed, came and committed abuse and assault as well as arson and theft. Specific allegation against the appellant no. 2 Ram Kumar Singh is that he caused injury with rod resulting in fracture of leg of the husband of the informant.

Considering the background and nature of the allegation, 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/- (rupees 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 and 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 this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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