

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1339 of 2018

Arising Out of PS.Case No. -29 Year- 2016 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Deolal Sah, Son of Late Asharphi Sah,
 2. Shankar Sah @ Deep Narayan Sah @ Shankar Prasad, Son of Deolal Sah,
 3. Upendra Sah @ Upendra Prasad, Son of Deolal Sah, All resident of Village-
Sanuariya, P.S.- Kagali, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-09-2018

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 against the refusal of prayer for anticipatory bail vide order dated 07.03.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in A.B.P. No.30 of 2018, arising out of Kangali Police Station Case No.29 of 2016, registered under Sections 341/323/504/506/34 of the Indian Penal Code and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The FIR discloses an occurrence of assault for trivial dispute allegedly committed by the appellants.



Submission is that none of the witnesses has supported commission of injury. For dispute regarding flow of drain water simple quarrel had taken place. There is case and counter case. Appellants have stated on oath that they have got no criminal antecedent.

Considering the aforesaid facts, 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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