

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3217 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -KOPA District- SARAN

- =====
1. Shubham Singh @ Subham Singh @ Suman Kumar Singh, S/o Sunil Singh
 2. Rahul Singh S/o Jai Prakash Singh
 3. Dhananjay Singh, S/o Rajeshwar Singh, All are resident of Village- Kopa Dachin, Tola, P.S.- Kopa, District- Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 09-10-2018

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 26.07.2018 passed by the learned 1st Additional Sessions Judge, Saran at Chapra, in A.B.P. No. 2220 of 2018, arising out of Kopa Police Station Case No. 43 of 2018, registered under Sections 147/148/149/341/323/324/307/379/354B/448/452/436 of the Indian Penal Code and Sections 3(i)(r)(s)(w)/(2)/(iv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, offence under Section 302 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added.

Though in the FIR five persons are named as accused.



However, specific allegation is there against co-accused Jai Prakash Singh of commission of assault with farsa, causing injury to the informant as well as to her mother-in-law, as a result whereof, mother-in-law of the informant died subsequently.

Considering the fact that no overt-act is alleged against the appellants and statement of the appellants on oath that they have got no criminal antecedent, 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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