

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3373 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- CHACKMENSI District- Samastipur

-
1. Gayatri Devi W/o Sri Binod Sah
 2. Sajan Sah @ Brajesh Kumar Sah @ Brajesh Kumar S/o Sri Binod Sah
 3. Ghanshyam Mahtha S/o Late Ram Sevak Mahtha
 4. Gaurav Kumar @ Sintu @ Sintu Mahtha S/o Sri Ghanshyam Mahtha
 5. Rajnish Kumar @ Soni @ Soni Mahtha s/o Si Ghanshyam Mahtha
 6. Dipak Sah @ Pappu S/o Maheshwar Sah
 7. Maheshwar Sah @ Mahesh Sah s/o Kapur Chand Sah All residents of village Malinagar, P.S. Chakmehshi, Distt. - Samastipur.
 8. Baiju Sah son of late Ram Gulam Sah
 9. Arjun Sah @ Arjun Kumar Sah son of Baiju Sah
 10. Ram Deo Sah @ Lal Babu Sah son of Baiju Sah All resident of village - Bakhtiyarpur, P.S. Chakmehshi, Distt - Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar No-1, Adv
For the Respondent/s	:	Mr. Smt Usha Kumari No-1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 04-12-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 02.07.2018 in A.B.P. No.1376 of 2018 arising out of Chakmehsi P.S. Case No.61 of 2018 passed by the learned 1st Addl. Sessions Judge, Samastipur registered under Sections



323,341,354,379,504,506/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

There is case and counter case. Appellant-Gayatri Devi is informant of the counter case and claims to be injured and has given her fardbeyan in the hospital. Identical general and omnibus nature of allegation is there against the appellants of commission of house trespass and abuse and assault for the reason that the appellants were not allowing the informant to be with her Bahnoi in the nearby house.

Considering the case and counter case and general and omnibus nature of allegation as well as nature of 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of 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 and further 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 this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2018
Transmission Date	05.12.2018

