

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1204 of 2018

Arising Out of PS.Case No. -105 Year- 2017 Thana -DIGHA District- PATNA

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1. Bhola @ Suraj @ Suraj Kumar, Son of Vinod Rai, Resident of Village-
Makhdumpur, Digha Ghat, Police Station- Digha, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh

For the Respondent/s : Mr. Binay Krishna, SPP 245

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-05-2018

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, against
refusal of the prayer for anticipatory bail by the learned Vth Additional
Sessions Judge- cum- Special Judge, Patna in connection with Digha
P.S. Case No. 105/2017 registered under Sections 341, 323, 504, 506
and 354 of the Indian Penal Code as well as Sections 3(1)(x) of the
SC/ST Act.

Submission is that the allegation against the appellant and
others is of commission of abuse and assault to the informant by
committing house trespass for the reason that the appellant was
pressurizing for withdrawal of earlier criminal case lodged for murder of
the father of the informant vide Patna Traffic P.S. Case No. 74/2016.

Contention is that Annexure-2 is the F.I.R. of the aforesaid



Traffic Case which was registered against unknown motorcycle rider for offences under Sections 279 and 304A of the Indian Penal Code. The appellant was not an accused of that case. Hence, there was no reason or motive for the appellant to go to the house of the informant. Moreover, the appellant has got no criminal antecedent.

Considering the aforesaid facts, 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant 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 appellant.

Accordingly, the impugned order is set aside and the appeal stands allowed.

(Birendra Kumar, J.)

Rakhi

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	
Transmission Date	

