

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 3485 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -NTPC District- PATNA

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1. Sunita Devi wife of Surendra Yadav @ Surendra Kumar
 2. Surendra Kumar @ Surendra Yadav son of Late Ramdeo Prasad
 3. Dilip Kumar S/o Kishori Yadav @ Krishnandan Prasad Yadav
 4. Navin Kumar S/o Lagan Yadav @ Ram Lagan Yadav
 5. Sikander Kumar son of Kishori Yadav @ Krishnandan Prasad Yadav
 6. Madho Yadav @ Madhav Prasad Yadav son of Ram Narain Yadav @ Late Narain Singh All residents of Village - Raili, P.S. - N.T.P.C., District - Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arbind Kumar, Advocate

For the Respondent/s : Smt. Usha Kumari No. 1, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-10-2018

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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 08.08.2018 in A.B.P. No. 5747 of 2018 passed by the learned 4th Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Patna in connection with N.T.P.C. P.S. Case No. 47 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal



Code as well as Sections 3(i)(r) of the SC/ST Act.

There is general and omnibus allegation against the appellants of commission of house trespass and assault etc.

Submission is that false implication is there for the reason that the villagers have filed a complaint against Krishnandan Paswan, the agnate of the informant, complaining therein that Krishnandan Paswan has put projection of his house on the lane which was obstructing the passersby, vide complain dated 13.03.2018 at Annexure-3.

Learned Special Public Prosecutor opposed the prayer for bail.

Considering the background of allegation and the fact that the appellants have stated 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/- (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/trial of the case,



failing which the court below shall be at liberty to cancel the bail bond of the appellants as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.10.2018
Transmission Date	06.10.2018

