

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4190 of 2018

Arising Out of PS. Case No.-118 Year-2018 Thana- NASRIGANJ District- Rohtas

Naiyar Khan @ Taj Hasan, S/o Phoolan Khan @ Masihuddin Ahmad,
Resident of Village- Mauna, P.S. Nasriganj, Distt.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mohammad Sufyan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 21-12-2018

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 27.09.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Rohtas at Sasaram in Registered Case No.166 of 2018, arising out of Nasriganj Police Station Case No.118 of 2018 registered under Sections 147, 148, 149, 341, 323, 326, 504, 506, 354, 436 and 427 of the Indian Penal Code and Sections 3(i)(r)(s)/3(W)(1)(II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegation of commission of assault etc. is not specific against the appellant.



Submission is that for the same occurrence, two criminal cases were lodged. One was Nasriganj Police Station Case No.177 of 2018, wherein all the appellants have already been allowed bail by the learned court below.

Considering the facts, especially, general and omnibus allegation, 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	NAFR
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