

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1345 of 2018

Arising Out of PS.Case No. -375 Year- 2017 Thana -FATEHPUR District- GAYA

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1. Rajesh Paswan @ Tuntun Paswan,
2. Vikash Kumar @ Vikash Paswan. Both Sons of Suresh Paswan, R/o Vill.-
Raghunathpur, P.S.- Fathepur, District- Gaya (Bihar).

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.Bachan Jee Ojha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-05-2018

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, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for **anticipatory bail** by the learned Special Judge (S.C./S.T.), Gaya in Fatehpur P.S. Case No. 375 of 2017 registered under Sections 302/34 of the Indian Penal Code as well as Section 27 of the Arms Act and Section 3(II)(V) of the SC/ST Act.

Thirteen persons are named in the FIR including the appellants with allegation that they dragged to the husband of the informant and subsequently committed murder.

Submission of the learned counsel for the



appellants is that the informant is neither an eye witness of the occurrence of dragging away nor of the commission of murder.

Learned Special Public Prosecutor has opposed the prayer for anticipatory bail.

Considering substance in the aforesaid submission, 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 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, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
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