

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3084 of 2018

Arising Out of PS.Case No. -219 Year- 2017 Thana -BAUSI District- PURNIA

- =====
1. Md. Shahid @ Shahid, Son of Late Tahir,
 2. Md. Kalim @ Kalma, Son of Kasim, Both resident of Village- Gandwas, P.S.- Dagaruwa District- Purnea.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nadimul Hasan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-09-2018

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 against the refusal of prayer for anticipatory bail vide order dated 24.07.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in SC/ST Case No.332 of 2017, arising out of Baisi Police Station Case No.219 of 2017, registered under Sections 147/148/149/452/341/325/307/302/380/427/504 of the Indian Penal Code and Sections 3(i)(v)(x)/3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to FIR, the appellants and others assaulted causing injury to the father and uncle of the informant. During course of treatment, father of the informant died.

Submission is that the case-diary would reveal that the



witnesses have stated before the police that the appellants or others had nothing to do with the occurrence alleged; rather due to village politics they have been falsely implicated.

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

Considering the fact that allegation in the FIR has not been substantiated during investigation, 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/- (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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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