

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2546 of 2018

Arising Out of PS. Case No.-56 Year-2018 Thana- CHANDI District- Bhojpur

Ram Sewak Singh, aged about- years, Son of Late Motilal Singh, Resident
of Village- Rupchakia, P.S.- Chandi, District- Bhojpur at Arrah.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dinesh Choudhary
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 18-08-2018

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 23.06.2018 passed by the learned Additional Sessions Judge-1st, Bhojpur in A.B.P. No.772 of 2018, arising out of Chandi Police Station Case No.56 of 2018 registered under Sections 147, 149, 304 of the Indian Penal Code and Section 3 (1)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The appellant had lodged Chandi P.S. Case No.55 of 2018 with allegation that two miscreants entered into his house and committed theft. They were caught by the people and people have assaulted them. Thereafter, the present F.I.R. was lodged with allegation that the appellant and other villagers brutally assaulted an



unknown person suspecting to be a thief and the assault resulted in his death.

Submission is that the appellant has got no criminal antecedent. The allegation is not specific and the background as well as nature of allegation in the present case would reveal that offences under the provision of S.C./S.T. Act are not attracted.

Finding substance in the submission aforesaid, 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.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

