

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1253 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -BIHTA District- PATNA

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1. Monu Kumar Mishra @ Monu Mishra, son of Sri Sanjay Kumar Mishra,
resident of village- Sahbagpur, P.S.- Bihta, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pravin Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 24-05-2018

Heard 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 refusal of prayer for anticipatory bail in **Bihta P.S. Case No.73 of 2018** instituted under Section(s) 147, 341, 323, 448, 353, 504, 509, 427, 506 Indian Penal Code and Section 3(i)(r) /3(2)(v) (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the appellant submits that instant case is counter blast of Bihta P.S. Case No.72 of 2018 lodged by the appellant against the Informant and other office staff. In the instant case, there is general and omnibus allegation that the appellant misbehaved with the informant in the office and caused



obstruction in official duty.

From the allegation in the written report, this Court finds that there is general and omnibus allegation against the appellant.

Considering the aforesaid facts, let the appellant, above named, in the event of his arrest/surrender within a period of six weeks from today in connection with **Bihta P.S. Case No.73 of 2018**, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge II-cum-Special Judge, SC ST Act, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Accordingly, the impugned order is set aside and the



appeal is allowed.

(Sanjay Priya, J)

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