

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2494 of 2018

Arising Out of PS.Case No. -151 Year- 2018 Thana -GAYA MUFFSIL District- GAYA

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1. Ajay Pandey, Son of Paribhansh Pandey alias Basant Pandey, Resident of Mohalla- Salempur, P.S.- Mofassil, District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.Tabish Sharfuddin, Adv

For the Respondent/s : Smt. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 21.06.2018 in Mofassil P.S. Case No.151 of 2018 (ABP No.108 of 2018) passed by the learned Special Judge, SC/ST Gaya registered under Sections 341,323,325 of the Indian Penal Code as well as under Sections 3(1)(r)(s)(h) of the Scheduled Castes and Scheduled Tribes Act.

Submission is that the case diary would reveal that the allegation in the FIR has not been supported by any of the witness rather eye witnesses have stated about the accidental fall of the informant which resulted in injury.

Learned counsel for the State does not dispute the aforesaid factual position.



Hence, 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 anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) 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 and further the appellant 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 appellant.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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