

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2831 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- SC/ST District- Gaya

Surendra Yadav, Son of Late Kauleshwar Yadav, resident of Village-
Bariyawa, P.S.- Koach, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kumar Sinha, Adv

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 03-12-2018

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 28.06.2018 in A.B.P. No.116 of 2018 arising out of SC/ST P.S.Case No.66 of 2017 passed by the learned Exclusive Special Judge, SC/ST, Gaya registered under Sections 323,341,379,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

Allegation against the appellant is of demand of ransom from the informant, who is Up-Mukhiya, as well as commission of assault and theft of cash from the



pocket of the Mukhiya while he was on the way.

Submission is that the appellant has been falsely implicated for the reason that appellant is a witness in a complaint case lodged by Urmila Kumari against the informant of this case and others. Moreover, informant is accused in Konch P.S.Case No.62 of 2014 lodged by Asha Devi and Konch P.S.Case No.01 of 2018 lodged by Sukhendra Prasad.

Considering the background of allegation and the statement of the appellant that he has got no criminal antecedent as well as the fact that the allegation is based on the complaint petition, 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
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