

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2787 of 2018

Arising Out of PS. Case No.-302 Year-2013 Thana- NAANPUR District- Sitamarhi

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Dhiraj Kumar @ Dheery Singh @ Dhiraj Singh, S/o Ram Balak Singh, R/o
Vill.- Barhmaul, P.O.- Sirsi, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrit Abhijat

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 30-08-2018

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 17.05.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. Act, Sitamarhi in A.B.P. No.709 of 2018/180 of 2018, arising out of Nanpur Police Station Case No.302 of 2013 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3 (1-x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant and others is of commission of assault and theft.



Submission is that allegation is general and omnibus. Offences alleged under the Indian Penal Code are bailable, except under Section 379 of the Indian Penal Code which is ornamental allegation. The appellant has got no such type of criminal antecedent.

Considering the facts of this case 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/-

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Transmission Date	

