

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.4038 of 2018

Arising Out of PS. Case No.-90 Year-2018 Thana- GAUNAHA District- West Champaran

1. Guddu Kumar, Son of Sri Umashankar Chaudhary,
2. Akhilesh Chaudhary, Son of Sri Umashankar Chaudhary, Both residents of Village- Amolwa, P.S.- Gaunaha, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma

For the Respondent/s : Smt Usha Kumari No-1

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 18-12-2018

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 18.09.2018 in A.B.P. No. 2006 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 90 of 2018 registered under Sections 447, 341, 323, 325, 379, 504, 506/34 of the Indian Penal Code as well as Sections 3(1)(x) of the SC/ST Act.

Due to quarrel between the children of the two families while they were playing, in the subsequent occurrence, there is general and omnibus nature of allegation against the appellants and



others that they committed assault and theft. The offences of the Indian Penal Code alleged against the appellants are mostly bailable, except allegation of theft. Appellants have got no criminal antecedent.

Hence, let the appellants, above named, in the event of their 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 bonds of Rs.20,000/- (rupees twenty thousand) each 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants 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 appellants as well as condition that both the bailors shall be resident of the territorial jurisdiction of the learned court below.

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

(Birendra Kumar, J)

Kundan/Rajan

AFR/NAFR	N.A.
CAV DATE	N.A.
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