

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.273 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- PIRPAINTI District- Bhagalpur

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1. Shiv Kumar Sharma @ Shiv Kumar Mistri, son of Ramfalli Sharma
 2. Sanjay Sharma, son of Ramfalli Sharma
 3. Shreeram Sharma, son of Raj Kumar Sharma
 4. Sadanand Sharma son of Raj Kumar Sharma
 5. Raj Kumar Sharma @ Raj Kumar Mistri, son of Ramfalli Sharma
 6. Manju Devi, wife of Raj Kumar Sharma
 7. Ramfalli Sharma, son of Late Sitaram Sharma
- All are residents of Village- Kamat Tola, P.S.- Pirpainti, District- Bhagalpur.

... .. Appellant/s

Versus

The State Of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Tarun Prasad Mandal
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 22-01-2019

This is an appeal under Section 14(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 26.11.2018 passed by the learned 3rd Addl. Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur in ABP No. 2481 of 2018 arising out of Pirpainti P.S.Case No. 139 of 2018 registered under Sections 147, 149, 427, 504 and 506 of the Indian penal Code and Sections 3(1)(r), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 .

Allegation against the appellants is of abusing and specific allegation against appellant no. 2, Sanjay Sharma is of



abusing by caste name and also of threatening.

Submission of learned counsel for the appellants is that earlier a case has been lodged by the appellants' side against the informant and for that, present case has been lodged and no specific allegation has been attributed against any of the appellants, except appellant no. 2 and that too of abusing the informant which happens inside the house.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let appellants, abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge-cum-Special Judge SC/ST Act, Bhagalpur in ABP No. 2481 of 2018 arising out of Pirpainti P.S.Case No. 139 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that appellants shall co-operate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to



appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

