

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.493 of 2019**

Arising Out of PS. Case No.-36 Year-2018 Thana- SC/ST District- East Champaran
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1. AWADHESH RAI Son of Ramagya Rai Resident of Village - Basahiya, P.S.- Dhaka (Pachapakari O.P.), District - East Champaran.
2. Haribhajan Rai Son of Late Nagendra Rai Resident of Village - Basahiya, P.S.- Dhaka (Pachapakari O.P.), District - East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s
=====

Appearance :

For the Appellant/s : Mr.Ansul

For the Respondent/s : Mr.Usha Kumari 1
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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 21-05-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 30.11.2018 passed by learned 1st Additional Sessions Judge -cum- Special Judge SC/ST Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 36 of 2018 registered under Sections 1341, 323, 354-A, 379 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(1)(a)(d)(r)(s) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants are innocent and have not committed



any offence. In fact, the occurrence took place on 17.04.2018 whereas the F.I.R. has been lodged on 19.04.2018 without explaining the dealy. Moreover, there is case and counter case between the parties which is evident from Annexures-2 and 3. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST Act, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 36 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

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

(Arvind Srivastava, J)

brajesh/-

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