

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1071 of 2019**

Arising Out of PS. Case No.-356 Year-2018 Thana- NATHNAGAR District- Bhagalpur

1. Md. Dudhwa @ Md. Samid Son of Md. Moein
2. Md. Sakil Son of Md. Firoz
3. Md. Sahin @ Md. Shahid Son of Md. Nezam

All Resident of Mohalla- Mirgyashchak, Police Station, Nathnagar, District - Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar
For the Respondent/s	:	Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT**

Date : 28-03-2019

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 28.01.2019 passed by the learned 3rd Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in ABP No. 146 of 2019 arising out of Nathnagar P.S.Case No. 356 of 2018 registered under Sections 147, 148, 149, 295, 307, 323, 337, 338, 341,504 and 506 of the Indian penal Code and Sections 3(i)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that appellant nos. 1 and 2



abused the informant by caste name and threatened him also and thereafter they and other accused persons, altogether 24 named accused persons and 200-300 unknown persons came and assaulted the informant by rod causing injury to him.

Submission of learned counsel for the appellants is that there is case and counter case in between the parties and occurrence is with respect to communal tension and no specific allegation has been attributed against appellant no. 3, except appellant nos. 1 and 2.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, so far as appellant nos. 1 and 2 are concerned, I am not inclined to grant privilege of anticipatory bail to them rather they should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far appellant no. 3 is concerned, 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, he is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the



like amount each to the satisfaction of the learned 3rd Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, Bhagalpur in ABP No. 146 of 2019 arising out of Nathnagar P.S.Case No. 356 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to appellant no. 3.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

