

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1088 of 2019

Arising Out of PS. Case No.-136 Year-2017 Thana- KADAMKUAN District- Patna

1. Arjun Prasad Son of Late Rajeshwar Mahto, Resident of Village-Madhepur, Police Station-Kashichak, District-Nawada.
2. Umesh Nandan Tiwary Son of Late Rajigir Tiwary, Resident of Village-Nanahi, P.O-Parihar, Police Station-Parihar, District-Sitamarhi.

Both presently Residing at Patna Zila Khadi Gramodhyog Sangh, Congress Maidan, Patna-800003, Police Station-Kadamkuan, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 11-04-2019

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 04.02.2019 passed by the learned Special Judge, SC/ST (POA) Act, Patna in ABP No. 121 of 2019 arising out of Kadamkuan P.S.Case No. 136 of 2017 registered under Sections 323, 341, 379, 504 and 506/34 of the Indian penal Code and Sections 3(i)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of abusing the informant who is the Chairman of Patna Zila Khadi Gramodhyog Sangh, by caste name and assaulting him.

Submission of learned counsel for the appellants is that in



this case police after investigation submitted final form and thereafter cognizance has been taken on the protest petition and the whole case is false and concocted.

Heard learned Spl. P.P as well as learned counsel for the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, 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 Special Judge (SC/ST)-cum- Additional District and Sessions Judge-9, Patna in ABP No. 121 of 2019 arising out of Kadamkuan P.S.Case No. 136 of 2017; 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 them.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

