

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.4357 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- JALALPUR District- Saran

1. Punyadeo Rai,
2. Motilal Rai,
3. Ramchandra Rai.
All Son of Baidya Nath Rai.
4. Nishant Kumar Rai @ Nishant Kumar, Son of Punyadeo Rai.
5. Ranjit Kumar Rai.
6. Ajay Kumar Rai @ Ajay Kumar,
Both sons of Motilal Rai.
7. Pappu Kumar Rai @ Pappu Kumar Rai, Son of Ramchandra Rai,
All resident of Village- Sawari Bazar, P.S. Jalalpur, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jeetendra Narayan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-01-2019 This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 15.10.2018 passed by the 1st Addl. Sessions Judge -cum- Vacation Judge-cum-Spl. Judge, Saran at Chapra in ABP No. 3463 of 2018 arising out of Jalalpur P.S.Case No. 139 of 2018 registered under Sections 323, 341, 354, 379, 504 and 506/34 of the Indian penal Code and Sections 3(i)(x), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



At the very outset, it has been submitted that appellant nos. 2 and 3 were arrested during the pendency of the appeal and subsequently they were released on regular bail, in such view of the matter, this appeal against appellant nos. 2 and 3 is dismissed as withdrawn.

Allegation against the appellants and other accused persons is of abusing the informant by caste name and of assaulting his brother and also snatching golden chain.

Submission of learned counsel for the appellants is that no specific allegation has been attributed against any of the appellants either of assault or of taking caste name.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let rest of the appellants, except appellant nos. 2 and 3, 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 1st Addl. Sessions Judge -cum-Vacation Judge-cum-Spl. Judge, Saran at Chapra in ABP No. 3463 of 2018 arising out of Jalalpur 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 disposed of and the impugned order is set aside.

(Vinod Kumar Sinha, J)

sujit/-

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