

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1494 of 2019**

Arising Out of PS. Case No.-316 Year-2017 Thana- BATHNAHA District- Sitamarhi

1. SURENDRA SINGH Son of late Mahabir Singh Resident of Village - Rupauli, P.S.- Bathnaha, Distt.- Sitamarhi.
2. Shankar Singh Son of Ram Chandra Singh Resident of Village - Rupauli, P.S.- Bathnaha, Distt.- Sitamarhi.
3. Wakil Singh Son of Vijay Singh Resident of Village - Rupauli, P.S.- Bathnaha, Distt.- Sitamarhi.
4. Kamlesh Singh @ Kamlesh Kumar Son of Ram Chandra Singh Resident of Village - Rupauli, P.S.- Bathnaha, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 23-05-2019

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 11.03.2019 passed by learned Special Judge SC/ST Act, Sitamarhi in connection with Bathnaha P.S. Case No. 316 of 2017 registered under Sections 363, 364, 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(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, who are of clean antecedent, are



innocent and have not committed any offence. In fact, the appellants have falsely been made accused in this case on account of earlier case being Bathnaha P.S. Case No. 312 of 2017, which is evident from Annexure-2. No specific case is made out against these appellants. 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 Special Judge, SC/ST Act, Sitamarhi in connection with Bathnaha P.S. Case No. 316 of 2017 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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Transmission Date	

