

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1434 of 2019**

Arising Out of PS. Case No.-324 Year-2018 Thana- KOTWA District- East Champaran

1. Chadraman Singh Son of Late Dev Narayan Singh
2. Nawal Singh Son of Late Dev Narayan Singh
3. Raj Kishore Singh Son of Chandraman Singh
4. Guddu Singh Son of Chandraman Singh

All are Resident of Village- Bhopatpur, Matikenhi, P.S.- Kotwa (Bhopatpur O.P.), District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shakti Suman Kumar
For the Respondent/s : Mr.Binay Kishore, Spl. PP

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

Date : 10-04-2019

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 08.03.2019 passed by the learned 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 518 of 2019 arising out of Kotwa (Bhopatpur) P.S.Case No. 324 of 2018 registered under Sections 308, 323, 327, 341, 379 and 504/34 of the Indian penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is that they abused and



assaulted the informant and specific allegation of assault by Farsa is against appellant no. 4.

Submission of learned counsel for the appellants is that FIR itself shows that there is dispute with respect to closing of Rasta by the appellants and no specific allegation has been attributed against appellant nos. 1, 2 and 3 and so far as appellant no. 4 is concerned, no injury report is available on record.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellant nos. 1,2 and 3, 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 1st Addl. Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 518 of 2019 arising out of Kotwa (Bhopatpur) P.S.Case No. 324 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 appelalnt nos. 1, 2 and 3.

So far as appellant no. 4 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he 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.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

