

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1475 of 2019**

Arising Out of PS. Case No.-420 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Devnath Rai, S/o Bhola Rai R/o village- Kaparsandi, P.S.- Turkauliya,
District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mrs.Usha Kumari 1

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

Date : 12-04-2019

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 14.03.2019 passed by the learned 7th Addl. Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkaulia P.S.Case No. 420 of 2018 registered under Sections 147, 148, 149, 307, 323, 332, 341, 353, 379 and 435 of the Indian penal Code, 27 of the Arms Act, 45 of the Bihar Prohibition and Excise Act and 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per FIR is that while the police party recovered huge quantity of liquor from the house of Arun Rai, several accused persons including the appellant reached there and assaulted and abused the informant by caste name and damaged the pick up van and also set the dram, in which liquor was kept, on



fire.

Submission of learned counsel for the appellant is that he is not named in the FIR and latter on, appellant’s name transpired during course of investigation and nothing specific allegation has been attributed against him and has no criminal antecedent.

Heard learned Spl. P.P also.

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 7th Addl. Sessions Judge-cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkaulia P.S.Case No. 420 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 him.

(Vinod Kumar Sinha, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

