

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1992 of 2019

Arising Out of PS. Case No.-505 Year-2018 Thana- CHANPATIA District- West
Champaran

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BIKAS BAITHA @ VIKAS BAITHA S/O Late Yamuna Baitha Resident of
Village Mishrauli, Siswaniya, P.S.- Sanichari, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjeev Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, A.P.P.
For the Informant : Mr. Sadanand Paswan, Adv

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 17-05-2019

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 12.03.2019 passed by learned 1st Additional Sessions Judge -cum- Special Judge, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 505 of 2018 registered under Sections 341, 323, 324, 447, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(ii)(v-a) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, is innocent and has not committed any offence. In fact, the F.I.R. has



been lodged after lapse of one month from the date of occurrence without explaining the plausible delay. Moreover, the offences attributed to the appellant punishable under the Indian Penal Code are bailable in nature and no case under the provisions of SC/ST Act is made out against the appellant. Hence, the appellant 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 505 of 2018 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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