

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1887 of 2019**

Arising Out of PS. Case No.-173 Year-2018 Thana- KHANPURA District- Samastipur
=====

MD. JAVED Son of Md. Kasim Resident of Village- Shahpur (Bhore Jairam),
P.S.- Khanpur, District- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Abhay Shankar Singh

For the Respondent/s : Mr.Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 15-05-2019

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 04.04.2019 passed by learned 1st Additional Sessions Judge, Samastipur in connection with Khanpur P.S. Case No. 173 of 2018 registered under Sections 290, 323, 34, 341, 354, 504 of the Indian Penal Code and under Section 3(1) (r), 3(1) (s) and 3 (1) (w) of the SC/ST (POA) Act alongwith Section 37 (c) and 37 (B) of Bihar Prohibition and Excise Act, 2016. whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellant submits that the appellant has clean antecedent and is innocent and has not committed any offence. In fact, there is general and



omnibus allegation against the appellant. No specific case is made out against these 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur in connection with Khanpur P.S. Case No. 173 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/
S. Katyayan/-

Uploading Date	
Transmission Date	

