

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1880 of 2019**

Arising Out of PS. Case No.-51 Year-2018 Thana- SC/ST District- Munger

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1. MANOJ KUMAR @ GOPAL KAPRI Son of Late Kamleshwari Prasad Kapri
Resident of Village- Mohanpur, P.S.- Kharagpur, District- Munger.
 2. Prashant Pravab @ Raja Kapri Son of Manoj Kumar @ Gopal Kapri
Resident of Village- Mohanpur, P.S.- Kharagpur, District- Munger.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anant Kumar Sinha
For the Respondent/s : Mr.Binay Krishna

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

Date : 13-05-2019

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 26.02.2019 passed by learned Additional Sessions Judge-I -cum- Special Judge SC/ST Act, Munger in connection with Kharagpur SC/ST P.S. Case No. 51 of 2018 registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(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 F.I.R.



has been lodged after lapse of four days from the date of occurrence without explaining the delay which creates doubt over the prosecution version. 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 Additional Sessions Judge-I -cum- Special Judge, SC/ST Act, Munger in connection with Kharagpur SC/ST P.S. Case No. 51 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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