

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1983 of 2019

Arising Out of PS. Case No.-22 Year-2018 Thana- SAHJAHANPUR District- Patna

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RITESH KUMAR Son of Mohan Singh Resident of Village-Erai, Police
Station-Sahjahapur, District-Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Shashi Chandra Pandey

For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 16-05-2019

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 11.04.2019 passed by learned Special Judge SC/ST Act, -cum- Additional District & Sessions Judge-VIII, Patna in connection with Sajahapur P.S. Case No. 22 of 2018 registered under Sections 341, 323, 504, 506, 307 and 34 of the Indian Penal Code and Section 3(i)(xi) 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 occurrence took place on 20.02.2018 whereas the F.I.R. has been



lodged after lapse of 45 days without explaining the plausible delay which creates doubt over the prosecution version. No occurrence as alleged in the F.I.R. has ever taken place. 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 his 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 Special Judge, SC/ST -cum- Additional Sessions Judge-VIII, Patna in connection with Shajahapur P.S. Case No. 156 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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